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ABSTRACT

The Council was directed by a state House Resolution to report to the House on institutional conformance with the directive, contained in the same resolution, to: (1) adopt procedures for adequate student input in budgeting and expending services and activities fees; and (2) define those programs and activities for which revenue generated from these fees may be expended. The governing boards of the University of Washington, Eastern Washington State College, the Evergreen State College, and Western Washington State College have adopted procedures for involving students in the budgeting of fees; at Washington State University such procedures are spelled out by an official directive of the college president; at Central Washington State College, procedures have been adopted that are described in written communication between the college president and state officials. Budgeting committee composition and reporting procedures vary among the institutions. (Author/MSE)

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Report No. 77-12

REPORT ON STUDENT SERVICES AND ACTIVITY FEE POLICIES AT FOUR-YEAR PUBLIC INSTITUTIONS OF WASHINGTON

JANUARY, 1977

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REPORT ON STUDENT SERVICES AND ACTIVITY FEE POLICIES AT FOUR-YEAR PUBLIC INSTITUTIONS OF WASHINGTON

A RESPONSE TO HOUSE OF REPRESENTATIVES RESOLUTION 1976-66

Carl Donovan

Deputy Coordinator

January, 1977

Council for Postsecondary Education
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ABSTRACT

The Council for Postsecondary Education was directed by House Resolution 1976-66 to report to the House of Representatives on institutional conformance with the directive, also contained in the resolution, to (1) adopt procedures for adequate student input in budgeting and expending Services and Activities fees, and (2) define those programs and activities for which revenue generated from these fees may be expended.

Services and Activities fees of $157.50 at state colleges and $111 at universities are charged each full-time student. They comprise 20% of the registration fees at universities and 32% at state colleges. All institutions with the exception of The Evergreen State College have incurred debt committments against a portion of Services and Activities fee revenue. About one-half of the fee revenue at these institutions is committed to bond redemption.

The governing boards at the UW, EWSC, TESC and WWSC have adopted procedures for involving students in the budgeting of Services and Activities fees; whereas, at WSU such procedures are spelled out by an official directive of the president. At CWSC, practices have been adopted which are described in written communication between the president of CWSC and the House of Representatives or the Council for Postsecondary Education.

All institutions either use advisory committees consisting predominately of students or they rely directly on the student government for budgeting most or all Services and Activities fee revenue. The budgeting mechanism varies, however, by the constituency of the committees and the reporting procedures.

The UW Board of Regents directs how $6.75 of the $54.75 available for operations will be used. The remaining $48 is budgeted by a committee consisting largely of students or the student government.

A predominately student committee recommends on the total Services and Activities fee budgets at WSU, CWSC and TESC. At EWSC and WWSC a review committee, one-half of which is comprised of students, recommends on budgets for departmentally related activities, and the remaining revenue is budgeted directly by the student government.

Reporting procedures vary among the institutions. Recommendations of the reviewing bodies at EWSC are presented directly to the Board of Trustees for approval; whereas the review committees at WSU, CWSC and TESC forward their proposals to the president. The results of review committee action at the UW are submitted to a three member budget committee, consisting entirely of administrators, for approval prior to presidential review. At WWSC, the proposed budget is submitted to a budget review committee, one-half of which is comprised of students. Results of the budget review committee are transmitted to the All-College Senate for approval prior to presidential action.

Except at EWSC and WWSC, review procedures identical to those outlined above are intended to be used for review of bonding proposals. The EWSC has not adopted policy in this area, and WWSC has elected to require review by the Business and Finance Council, two of whose nine members are students, prior to final review by the All-College Senate.

The degree to which eligible activities or capital projects are defined varies from institution to institution. The UW Board of Regents specifies six broad areas of support but the determination of eligible activities within these areas is left to the advisory committee. The WSU Board of Regents, upon request of its advisory committee, earmarks distribution to eight broad categories of activities. Eligible activities within these areas are determined by the individual budgetary units. The Board of Trustees of WWSC have defined the academically related activities that are eligible for funding and have left the determination of other eligible activities to the associated student government. Eligible activities are not specifically defined at EWSC, CWSC and TESC; however, performing arts activities at CWSC are funded from the instructional budget removing the need to fund such activities from Services and Activities fee revenue.

House Resolution 1976-66, adopted in January, 1976, by the Washington State House of Representatives directed the trustees and regents of the state colleges and universities to:

> "Adopt procedures for adequate student input in budgeting and expenditures of services and activities fees and define those programs and activities for which revenue generated from these fees may be expended."

The resolution further directed the Council for Postsecondary Education to submit a progress report on institutional conformance with the resolution no later than January, 1977.* This report is in response to House Resolution 1976-66.

HISTORICAL OVERVIEW

RCW 28B.15.100 provides that an institutional governing board shall charge general tuition fees, incidental fees (changed in 1971 to read operating fees, services and activities fees), and other fees as such board shall in its discretion determine. Because of the vaguenesses of the definition of incidental fees which existed prior to 1971, four year institutions exercised their authority to charge "other fees" by including in their total registration fees a "special fee". The special fee, together with the incidental fee, enabled the institutions to fund both the general operations of the institution and student activities which were not an ongoing part of the general maintenance and operations of the institution.

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* See appendix A for a copy of House Resolution 1976-66.

Chapter 279 of the Laws of 1971, Extraordinary Session revised the Student Registration Fee structure and increased the level of registration fees that an institution may charge. Of particular significance was the replacement of the "incidental fee" with two fees, an "operations" fee and a "services and activity" fee. Table I shows the effect of the 1971 Act on the level and distribution of registration fees.

TABLE I

Yearly Registration Fees Charged Resident Undergraduate Students Enrolled in Public Postsecondary Education Institutions in Washington*

	FEE DISTRIBUTION				
	Tuition	Incidental and Special Fee	Operations Fee	Services and Activities Fee	Total
Community Colleges					
1970-71	150	60	-	-	210
1971-72	124.50	-	81	43.50	249
1976-77	124.50	-	81	43.50	249
State Colleges					
1970-71	72	288	-	-	360
1971-72	75	-	226.50	145.50	447
1976-77**	75	-	274.50	157.50	507
Universities					
1970-71	114	318	-	-	432
1971-72	117	-	267	111	495
1976-77	117	-	336	111	564

*Similar changes were made to the fees charged graduate students and non-resident students.
**Central Washington State College charges a 286.50 operations fee and a 145.50 services and activities fee.

Chapter 279 established maximum fee levels which were not immediately reached in 1971-72, the year following the legislation. Table I shows the effect of subsequent increases on fees presently in the effect for 1976-77.

The following excerpts from 28B.15 RCW explain the nature of the legislative action changing the registration fee structure from a two-part to a three-part fee.

Definitions of "Incidental" Fees prior to Enactment of Chapter 279, Laws of 1971.

> Section 28B.15.050 RCW "INCIDENTAL FEES" AT COMMUNITY COLLEGES DEFINED. The term "incidental fees" as used in RCW 28B.15.500 shall include the fees other than general tuition fees, charged all students registering at the college for quarters other than summer sessions but shall not include fees for correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, laboratory, gymnasium, health fees, or fee charges, rentals and other income derived from any or all revenue-producing lands, buildings and facilities of the colleges heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon or such other special fees as may be established by the board of trustees from time to time.*

Definitions of "Operations" and "Services and Activities" Fees from subsequent to Enactment of Chapter 279 Laws of 1971.

> Section 28B15.031 RCW "OPERATING FEES" DEFINED. The term "operating fees" as used in this chapter shall include the fees, other than general tuition fees, charged all students registering at the state's colleges and universities, but shall not include fees for short courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees,

*The definition of incidental fees at the universities and state colleges differed somewhat from the above definition for community colleges. The complete text of all three references to services and activities fees is shown in appendix B.

charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. Operating fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the general operation and maintenance of their particular institution.

28B.15.041 RCW "SERVICES AND ACTIVITIES FEES" DEFINED (AS AMENDED BY 1973 1st ex.s.c. 130 2). The term "services and activities fees" as used in this chapter is defined to mean fees, other than general tuition and operating fees, charged to all students registering at the state's colleges and universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the express purpose of funding student activities and programs of their particular institution. Student activity fees, student use fees, student building use fees, special student fees or other similar fees charged to all full time students or to all students, as the case may be, registering at the state's colleges or universities and pledged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities of the nature described in RCW 28B. 10,300 shall be included within and deemed to be services and activities fees.*

The underlying intent of the change affected by the 1971 Act is probably best summarized by Douglas Cook, Assistant Attorney General, in his statement that: **

> "....the basic purpose of these enactments to be apparent; namely to repace the broad and undefined "incidental fee" with two somewhat more precise fees so that the legislature might more accurately direct the allocation of college and university fees, other than general tuition, between (a) operation expenditures and (b) student activities expenditures."

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* The above definition of services and activities fees pertains to state colleges and universities only. The statutory reference for community colleges is identical except that it does not allow the pledging of such fees for bond redemption.

** The Douglas Cook opinion is referenced later in this report. See appendix C for the complete text of the opinion.

INTERPRETATION OF SERVICES AND ACTIVITIES FEES

Differences of opinion exist regarding interpretation of the 1971 Act. Those differences focus on the following two issues:

1. What activities are eligible for funding from services and activities fees revenue; and

2. where does the legal authority for budgeting such fees lie and what requirements exists for involving students in the budgeting decision?

Four attempts have been made to clarify the statutes with regard to the above two issues. The first is a response made by Representative King on the floor of the House of Representatives to a question from Representative Smythe during debate on the bill. Mr. Smythe's query concerned an amendment proposed by Representative King to the bill. The following is an extract from that discussion:

> "Mr. Smythe: 'Representative King, the amendment reads, "for the express purpose of funding student activities and programs." Could you, for the benefit of the House, define what you term "activities and programs" that this would cover?"
>
> "Mr. King: 'Well, I believe the intent here is that it be anything that is adopted by the student government (whatever government that is) and hopefully by the governing body in addition to it. It would include such things as their athletic programs (if they want to), their intercollegiate debate, their school dances...all the things that students do as a part of their activity programs. In addition to that, I would believe that this amendment would cover the things necessary for the activities. I think it would be possible if the student government decided to build an intermural building, for example, as part of their activities program and they were involved in it, that this would cover that also. I think the key thing is that it be related to a decision made by the students."
>
> "Mr. Smythe: 'Thank you, and I think his main point and the one you should keep in mind is that the students themselves are being involved. The decisions will be made by their governmental leadership. At this point, we do not feel this is being done. He also stated it would be with the concurrence of the administration. I think this is a good amendment. I think it will suffice to give us some kind of definition until such time as a study comes forth with something better, and I really urge your support of it."

References to this discussion have been numerous and Mr. King's comments have been interpreted in a variety of ways. The most consistently quoted interpretation of the Smythe-King debate is the Douglas Cook opinion which is discussed below.

The second attempt to clarify the statutes is in the form of an opinion issued in July 26, 1971 by Douglas Cook, Assistant Attorney General of the state of Washington. The complete text of Mr. Cook's opinion, together with related correspondence between Mr. Cook and the Associated Student Body President of Eastern Washington State College is shown in appendix C. Mr. Cook, in responding to a question of whether revenue generated from services and activites fees may be used to fund the maintenance and operation cost of the college or university, states that "this question is clearly answerable in the negative. These costs instead represent proper objectives to be funded through revenues derived from mutually exclusive operating fees." Also, in responding to a question of whether services and activities fees revenues may be used to pay the salaries of college employees, he states that "our opinion is that these salaries may be so funded only to the extent that subject employees are engaged in student activities and programs--as opposed to normal maintenance and operating functions of the college..." Mr. Cook quotes from the Smythe-King debate to further amplify on his opinion regarding activities that may appropriately be funded from services and activity fees. He states that,

> "It appears from this exchange to have been the legislature's intent to include some element of student desire or approval within the definition of 'student activities and programs'. Consistent therewith

> we would think that expenditures of the subject, 'services and activities fees', which are made in support of these activities or programs in which student government has some degree of participation will more readily be regarded as expenditures appropriately made from funds generated by those fees than will expenditures made for other programs."

Mr. Cook was asked where the legal authority for budgeting services and activities fees lies. He responded that, "Section 5 of the subject act expressly delegates to the various governing boards of regents or trustees the authority to charge and collect general tuition fees, operating fees and services and activity fees." Referring again to the Smythe-King debate, he notes that the "conception of the role of student government under the act falls within the definitional area (i.e., what is, or is not, a student activity or program) and not the area of budgeting or fund allocation."

Following the above opinion, Mr. Cook received an inquiry from John Allen, President of the Associated Students of Eastern Washington State College.* Mr. Allen's concern was that Mr. Cook's opinion was unclear as to who is to determine if a given activity is truly a "student activity". Mr. Allen maintained that the Smythe-King debate required, by legislative intent, that the funding of student activities by the board of trustees be first approved by the student government. Mr. Cook responded that he believed the Smythe-King debate did not add such a requirement. He goes on to note

*The response to Mr. Allen was in the form of an unofficial, personal opinion and not an official opinion on behalf of the Office of the Attorney General. A copy of the correspondence between Mr. Cook and Mr. Allen accompanies Mr. Cook's opinion in appendix C.

that:

> "In the case of expenditures from funds generated by the services and activities fees, the board of trustees must satisfy itself that such expenditures are for the express purpose of funding student activities and programs. The act does not articulate a particular method for obtaining this satisfaction."

The third attempt to clarify the statutes is in the form of an appellate court decision, Bonnie Good, Et Al, Appellants, vs. Associated Students of the University of Washington, Et Al, Respondents, 86 Wn.2d 94,542 P.2d p.762 (1975). That decision indirectly addresses the issue of where the authority for disbursement of services and activities fees lie. The court responsed as follows in addressing the claim that since the University has never initiated, altered or terminated any Associated Student Body activity, the Associated Students of the University of Washington is not an arm of the University.

> "The statutes grant the regents ultimate control over student services and activities programs. The regents have acknowledged and asserted that power in their policy statements. The ASUW bylaws recognize where final authority is vested. Use of that power and authority lies within the judgement of the regents."

The fourth attempt at addressing the two issues was made by the State Board of Community College Education in it's approval of "student programs and activities guidelines" in January, 1975. A copy of these guidelines is included as appendix E. The guidelines specify that a yearly budget for the expenditures of services and activities fees be prepared by the student government organizations and the professional staff involved with student programs. It recommends that the resultant

cooperative effort culminate in a joint recommendation to the board of trustees. It further recommends that in the event that agreement between student government and the professional staff is not reached, the student government should present its own program and budgetary recommendation directly to the board of trustees. The guidelines are quite detailed in the procedure to be used in budgeting fees and the types of activities that are eligible for funding. They contain two limitations. The first excludes from services and activities fee funding the salaries of permenant classified civil service employees and professional employees in tenurable positions. The second directs that services and activities fees not be used to fund programs, personnel, facilities, equipment and maintenance covered within the state board budget allocation model.

The issues of where should budgeting authority lie and what activities should be eligible for funding were further considered by the Higher Education Committee of the House of Representatives. As a guide for the committee's deliberations, the staff council of the Office of Program Research, House of Representatives, prepared the background paper shown in appendix F. A number of public hearings on services and activities fees were conducted in the interim between the 1975 and 1976 legislative sessions and during the 1976 session itself. As a result of those hearings, the House of Representatives passed Resolution 1976-66.

Each of the four-year institutions have developed various practices and procedures that attempt to carry out the provisions of the statutes. It is not the intent of this report to make judgements on the practices of

the institutions. To do so would be beyond the specific directive contained in the resolution. Rather, this report simply attempts to present a picture of the various budgeting practices presently followed by each of the four-year institutions.

COMMONALITIES AND DIFFERENCES AMONG INSTITUTIONAL BUDGETING PRACTICES

Activities funded by services and activities (S & A) fees. All institutions, with the exception of The Evergreen State College, have incurred debt service commitments for a portion of the revenue generated by S & A fees. This debt service is used to retire bonds issued to fund student union facilities, student recreation facilities, housing, dining facilities and other facilities not related to the general operations of the institution. Because of guarantees incurred by bonding commitments, the institution must assure that all debt service is covered prior to committing any of the S & A fee revenue for operating purposes.

The remaining S & A fee revenue is divided among a number of activities, the major of those being:

1. Associated student activities. These include student government; cultural events such as concerts, lectures, and film series; and other activities such as subsidized bus service between Spokane and Cheney for students at Eastern Washington State College and student legal services at Western Washington State College. Although the Evergreen State College does not have an associated student government, it does fund such activities from student services and activities fees.
2. Student newspaper.
3. Operations of the student union or student activities building which are not covered by user fees.
4. Recreation activities.
5. Intercollegiate athletics at Washington State University, Central Washington State College, Eastern Washington State College and Western Washington State College, to the extent that expenses in these activities exceed revenue from gate receipts.

6. Student scholarships at Washington State University.

7. Short-term student loans at the University of Washington, Washington State University and The Evergreen State College.

The degree to which eligible activities or capital projects are defined varies from institution to institution. At the two universities, the governing boards have specified how the fee will be distributed by type of activity. The trustees at Western Washington State College have defined the specific academically related activities that are eligible for funding and has left the determination of other eligible activities to the associated students government. Eligible activities are not specifically defined at Eastern and Central Washington State College or at The Evergreen State College; however, performing arts activities at Central Washington State College are funded from the instructional budget, removing the need to fund such activities from S & A revenue.

Student involvement in budgeting. Although the extent of student involvement varies from institution to institution, all four-year institutions seek student involvement in the review and approval of S & A fee budgets. Washington State University, Central Washington State College and The Evergreen State College vest budgetary authority of all revenue available for operations to a review committee, the majority of which consists of students. The level of detail of review committee recommendations varies among these three institutions. The review committee at Washington State University budgets to seven broad categories, leaving the details of budgeting

within those categories to the supervisory organizations for the budgetary units involved. Central Washington State College, on the other hand, budgets to a dozen or more categories, choosing to identify some of the specific budgetary units within the broad categories of intercollegiate athletics and associated student activities. In contrast to Washington State University and Central Washington State College, the review committee at The Evergreen State College reviews and recommends on each individual budgetary request for S & A fee support.

The University of Washington Board of Regents has chosen to earmark a portion of the services and activities fees to cover bond commitments, short-term student loans, student publications, and maintenance of reserve for student union equipment and alterations or repairs. The remainder of the S & A fee allocations is decided upon by a review committee of students.

Eastern Washington State College and Western Washington State College have chosen to differentiate associated student activities from intercollegiate athletics, performing arts, events, and other activities which the institutions feel warrant more exhaustive review by faculty and administrators. The review committee for the latter activities at both institutions consists of 50% students and 50% faculty and administrators, whereas the budgeting of associated student activities is left to student government.

Regarding future bonding against S & A fees, Central Washington State College, Western Washington State College and The Evergreen State College vest responsibility for review of all future bonding with a committee consisting of at least 50% students. Eastern Washington State College has no written policy in this area. Students at the University of Washington and Washington State University are charged with reviewing debt service deposits and institutional administrators have indicated that they will also be expected to review future bonding against services and activities fees.

OVERVIEW OF INDIVIDUAL INSTITUTIONAL POLICIES AND PRACTICES

Policies and practices differ from institution to institution. The following is an overview by institution. It identifies the charge to the respective review committees, the composition of each committee,and the reporting process. Copies of the policies and practices of each institution, as submitted to the Council by the institutions, are shown in appendix G.

University of Wasnington

Charge to Committee. The board of regents established the services and activities fee committee in August, 1972. Guidelines to that committee specify that it be "appointed by the president of the University to review all requests for support from the services and activities fees, both capital and operations, serving in an advisory capacity to the University budget committee."

Composition of Committee. The services and activities fee committee consists of seven voting members and five ex-officio members entitled to cast an advisory ballot. The voting members are students recommended by the associated students of the University of Washington (ASUW) and three recommended by the graduate and professional student senate (GPSS). Three of the ex-officio members are from the administration, representing the offices of the vice-president for business and finance, the vice-president for planning and budgeting, and the vice-president of student affairs.*

*Subsequent to development of the guidelines to the committee, the offices of the vice-presidents for business and finance and for planning and budgeting were combined.

The two remaining ex-officio members are from the faculty and are nominated by the chairman of the faculty senate.

Reporting Procedures. The S & A fee committee passes its recommendations to the university-wide budget committee which reviews the S & A fee committee's decision and makes final budgetary recommendations to the president. The University budget committee consists of the vice-president for academic affairs, the vice-president for business and finance, and the vice-president for health affairs.

The board of regents earmarks the general distribution of fees of six categories. The services and activities fee committee must budget within this categorization. The categories are as follows:

ASUW/GPSS activities	$ 7.50	
student publications	3.00	
student union maintenance and equipment reserve	.75	
short-term student loan fund	3.00	
student activities facilities (intramural activities building bonds)	11.25	
student facilities and programs (capital or operations)	85.50	
TOTAL	$ 111.00	per student per year

Presently, $45 of the $85.50 for "student facilities and programs" is devoted to meeting bond redemption commitments.

Decisions on Additions to Debt Commitments. At present the only portion of the S & A fee earmarked by the board of regents specifically for bond commitments is the $11.25 for intramural activities building bonds. Unless the board chooses to add to this amount, any addition to debt service will come from the "student facilities and programs" portion of the S & A fee,

which is subject to review by the S & A fee committee. The bonding decisions, however, which affect debt service could be made by the regents before a decision is made to add to debt service. The University, in verbal communication with Council staff, advises that any additional bonding committments would be reviewed and recommended on by the S & A fee committee prior to consideration by the University budget committee.

Eligible Activities. When it established the services and activities fee committee, the board of regents also delegated to the President of the University the authority to recommend on the projects which are eligible for funding. In addition, as noted above, it has earmarked how the fee revenue will be distributed by category of activity. Within this broad categorization, the Services and Activities Fee Committee, with concurrence from the president, has responsibility for deciding on eligible activities.

The Committee has used as a guide for its deliberations the Douglas Cook opinion referred to earlier. A more complete description of the factors guiding the committee in its deliberations is contained in a December 19, 1976 letter to President Hogness from the chairperson of the S & A Committee. The letter is included in appendix G.

Wasnington State University

Charge to Committee. In February, 1976, the services and activities fee committee was created as a president's standing committee. The charge to the committee is to recommend, with concurrence of the president, the

allocation of S & A fees to the board of regents. Specifically, the committee is directed to determine if existing and planned programs meet student needs, and to identify those needs not being met.

Composition of Committee. The S & A fee committee is composed of 5 students appointed by the Associated Students of WSU (ASWSU), 2 students appointed by the Graduate and Professional Student Association (GPSA), one faculty member appointed by the president, the vice-president of student affairs, the vice-president of business and finance, and the executive vice-president.

Reporting Procedures. The committee makes its recommendations to the president. Upon request, the president will arrange for members of the committee to have direct access to the board of regents during the preliminary discussions of the committee's report or at the time of the president's report.

Decisions on Additions to Debt Commitments. The review of the entire distribution of S & A fees, including that devoted to debt service, is given to the S & A fee committee. As in the case of the UW, however, bonding committments could be made against the S & A fee account before a decision is made to add to debt service. The University, in written communication with the Council staff, has indicated its intention to "have prior review and recommendation by the services and activities fee committee before additional committments are made." (see appendix G)

Eligible Activities. Upon request of the advisory committee, the governing board earmarks the distribution of S & A fee revenue to eight categories of activities. Beyond specifying these eight categories, no further identification of eligible activities is made. No guidelines exist defining the type of capital projects eligible for S & A fee support. WSU administration indicates that "none of the programs covered by the services and

activities fees are part of academic programs, neither are they included in state formulas." (see appendix G).

Central Washington State College

Charge to Committee. The charge to the services and activities fee committee is contained in a letter from President Brooks to Representative Maxie dated June 22, 1976. That letter is shown in appendix G. The S & A fees committee is charged with developing a preliminary budget for the distribution of S & A fee revenue.

Composition of Committee. The committee consists of four students and three faculty. The student appointments are made by the associated students of CWSC and the three faculty members are appointed by the faculty senate. Appointments can not be from those departments which receive money from services and activities fees.

Reporting Procedures. The committee sends a preliminary budget to the Dean of Student Development who is charged with checking income assumptions and coordinating expenditures with other college budgets to prevent duplication. The proposed budget then goes to the president with comments from the student board of control and the faculty senate. The president submits his budget recommendation to the board of trustees. It is accompanied by recommendations from the Dean of Student Development, the S & A fee committee, the student board of control and the faculty senate. Both the chairman of the student board of control and the faculty senate are free to comment on any proposals before the board of trustees.

Decisions on Additions to Bonding Commitments. Per a letter dated November 8, 1976, from President Brooks to the Council for Postsecondary Education, all requests for additional bonding against S & A fee revenue are reviewed and recommended on by the S & A fee review committee prior to approval by institutional administration. (See appendix G.)

Eligible Activities. There are no formally adopted definitions governing the types of activities eligible for support from S & A fees. However, the trustees have elected to support academically related activities from the instructional budget. As a result, CWSC does not fund any of it's performing arts activities from S & A fees. Also, by practice, the only facilitiy eligible for funding from bonds guaranteed by S & A fee revenue is the student union building.

Eastern Washington State College.

Charge to Committee. Two procedures are used at EWSC for reviewing and recommending on S & A fee budgets. Responsibility for recommending on the allocation of "associated student fees", which are equal to 60% of the estimated revenue after bond payment, rests with the associated student legislature. Responsibility for recommending on the allocation of "departmentally related fees", which comprise the remaining 40% of estimated revenue after bond payment, is vested with a ten member committee of students and faculty.

Composition of Committee. The review committee for associated student fees consists of the associated student legislature itself. The committee

charged with reviewing requests for allocations from departmentally related funds is composed of five members of the associated student legislature's financial affairs committee and five faculty members from departments which receive no funding from services and activities fee revenue. The faculty members are selected by the academic senate.

Reporting Procedures. The recommendation of the committee reviewing departmentally related requests goes to the student legislature for review and recommendation. The legislature forwards its own "associated student fees" budget along with recommendations on departmentally related fees budget to the Budget Advisory Group (BAG), an advisory body to the college president. THe president then sends the proposed budgets to the board of trustees with his own recommendation, plus recommendations from the student legislature and the BAG. The BAG is composed of the three college vice-presidents, the chairperson of the Academic Senate, and the chairperson of the Business Affairs Council of the Academic Senate. Students and department heads are added to the advisory group depending on the nature of the budget being reviewed.

Decisions on Additions to Debt Commitments. No procedure has been established for committee deliberations on added bonding or deposits to the bond redemption account. Recommendations in this area are prepared and submitted to the president by the vice-president of business affairs with advice from the BAG.

Eligible Activities. Student activities are not specifically defined at EWSC. Academically related activities, some of which can carry academic credit, do receive support from S & A fees. There are no plans for issuing any additional bonds secured by S & A fees; therefore, no policies have been adopted governing such issuance. Practice has limited S & A fee support of facilities to the student union and student dormitories and dining facilities.

Western Washington State College

Charge to Committee. As with Eastern Washington State College, Western does not use a committee to decide on the distribution of "associated student fees". Instead, the associated student government formulates its own requests for distribution of such fees. A review committee, however, is used for "departmentally related activities" which include men's and women's intercollegiate athletics, intramurals, forensics, theater, dance, choir, band, orchestra and student publications.

Composition of Committee. The committee charged to review "departmentally related activities" consists of seven students and seven faculty. The seven faculty are the directors of each of the departments receiving S & A funds, i.e., men's and women's athletics, forensics, intramurals, music, publications and theatre/dance. The seven students are elected from the students participating in each one of the seven departmentally related activities.

Reporting Procedures. Budget requests from the ASB government and the review committee are submitted to the vice-president for student affairs who, with the advice of an ad hoc committee composed of two students and two faculty or staff, decides on how the total S & A fee revenue is to be divided among the two categories of activities. This decision is then ratified by the associated student body and the departmentally related committee before submission to the college services council. Fifty-five percent of S & A fees in 1976-77 were earmarked for associated student government activities and the remaining 45% were budgeted for departmentally related activities.

Both the associated student government and the committee on departmentally related activities submit their budgets, as revised based on the above decision, to the college services council. The council consists of four faculty and administrators and five students. Four of the five students either fill positions with the student legislature or are appointed by that organization The remaining student is a member of the departmentally related committee. The council reviews and approves all budgets before submittal to the all-college senate.

The all-college senate has final review authority for budgeting of the S & A revenue prior to presidential review. Thirteen of the 45 members of the all-college senate are students, the remainder consists of 26 faculty, 4 administrators and 2 classified staff.

Decisions on Additions to Debt Commitments. Initial review of all proposed additions to bonding against S & A fees is performed by either the Interhall Council or the student facilities committee, both of which consists entirely of students. The recommendations of these committees are reviewed by the advisory committee on housing and dining, whose membership consists of 7 students, three administrators and one faculty member. The recommendation of the housing and dining committee is passed to the business and finance council and finally to the all-college senate for final approval. The business and finance council consists of nine individuals two of whom are students.*

Eligible Activities. Eligible activities are defined by the board of trustees. A copy of the guidelines approved in November, 1976 defining both S & A fee budgeting procedures and eligible activities is included in appendix G. Eligible academically related activities include theatre, forensics, dance, intercollegiate athletics, intramurals, choir, band, orchestra and the college paper, quarterly magazine and annual journal. Academic credit may be earned by students participating in these activities, but it is not required that students enroll for credit to participate. Eligible associated student government activities are left to the discretion of the Associated Students of WWSC. Eligible capital projects are defined by the policy adopted by the governing board on December 19, 1965, regarding the Housing and Dining System, since a portion of housing and dining is derived from S & A fees. Projects eligible for support from housing and dining, health service and vehicular parking facilities.

* The same procedure is followed in determining operating expenditures for the student union, which is funded from the same account as is debt service on housing and dining facilities.

The Evergreen State College

Charge to Committee. A committee consisting of students, faculty and staff is charged with reviewing and recommending on all activities funded by S & A fees. Since there is no associated student government at Evergreen, this fee committee performs all the budget review that student government at one of the other institutions would perform.

Composition of Committee. The review committee consists of six students, one faculty, and one staff member. The director of recreation and campus activities, the administrative vice-president and the auxiliary enterprises accountant sit on the board in an advisory capacity. An executive secretary is selected from the student body by the outgoing board. The executive secretary is staff to the board; he/she selects the six student board members from names chosen at random from a sign-up list.

Reporting Procedures. Recommendations of the S & A fee board are presented directly to the president for his review and recommendation to the board of trustees.

Decisions on Additions to Debt Commitments. Evergreen, at present, has no debt service requirements on services and activities fees and does not plan at the present time to bond against S & A fees. No formal policy exists which stipulates review by the committee, however, the institution has indicated verbally it's intent to have the committee review any such bonding proposals.

Eligible Activities. No formal definitions of eligible activities have been adopted by the governing board or the administration. In practice, with two exceptions, S & A fee revenue has supported student groups and student recreational activities. The two exceptions include deposits to the student short term loan fund and allocations to defer the cost of reproducing student transcripts or portfolios. Definitions have not been adopted regarding eligible capital projects. S & A fee revenue has been allocated to support an organic farmhouse, a day care center, and the college activities building remodeling. Bonding has been discussed by the S & A review committee but only with regard to additional support for the college activities building.

A TABULAR OVERVIEW OF THE BUDGETING OF SERVICES AND ACTIVITIES FEES

Tables II through VI offer a tabular overview of how services and activities fees are distributed, what procedures are used to determine their distribution, and the degree to which such procedures have been formalized. Table II shows the distribution of services and activities fee revenue per student to operating activities and to bond redemption accounts.

Table III shows how much of the fee revenue remains after debt service is (1) earmarked by the governing board, (2) budgeted by a predominately student committee, and (3) budgeted by a committee, half of which consists of students.

Table IV shows how much student input is called for in the review process and the extent to which eligible activities are specified by the governing board.

Table V summarizes the nature and extent of institutional review of the budget proposed by the services and activities review committee(s).

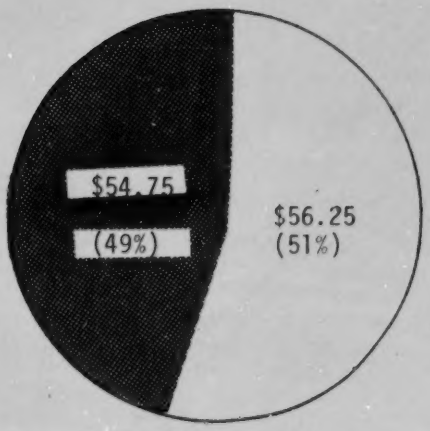
Table VI shows the nature of the review afforded proposals for bonding secured by services and activities fees.

Where possible, comparisons are made to guidelines issued by the State Board of Community College Education for the budgeting of services and activities fees.

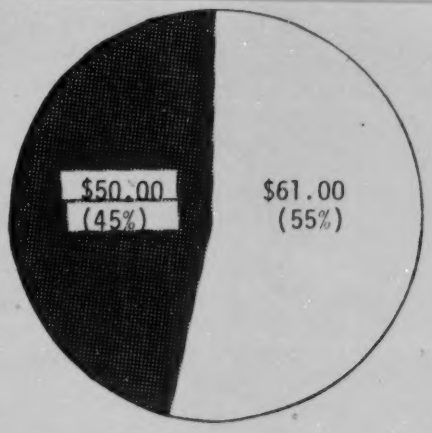
TABLE II

THE DISTRIBUTION OF S & A FEE REVENUE, PER FULL-TIME STUDENT, FOR DEBT SERVICE AND FOR OPERATION PURPOSES

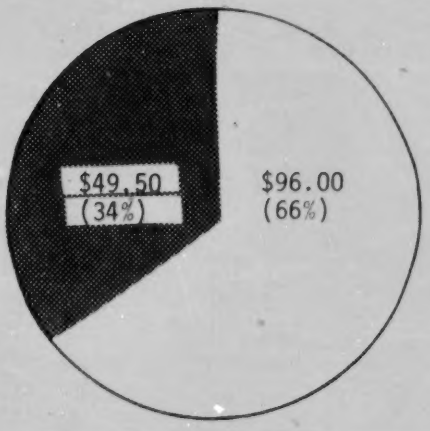
UW



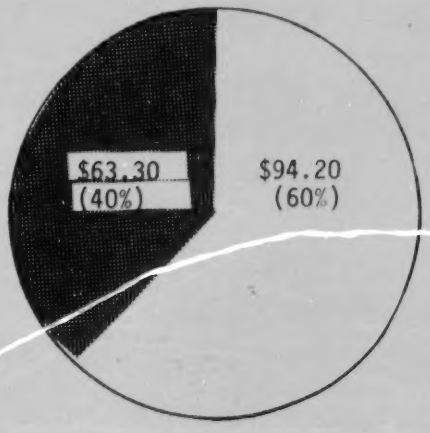
WSU



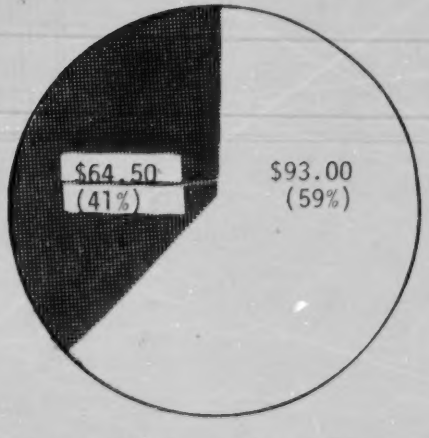
CWSC



EWSC



WWSC



TESC

Note: The Community Colleges are statutory, not permitted to bond against S & A fees.

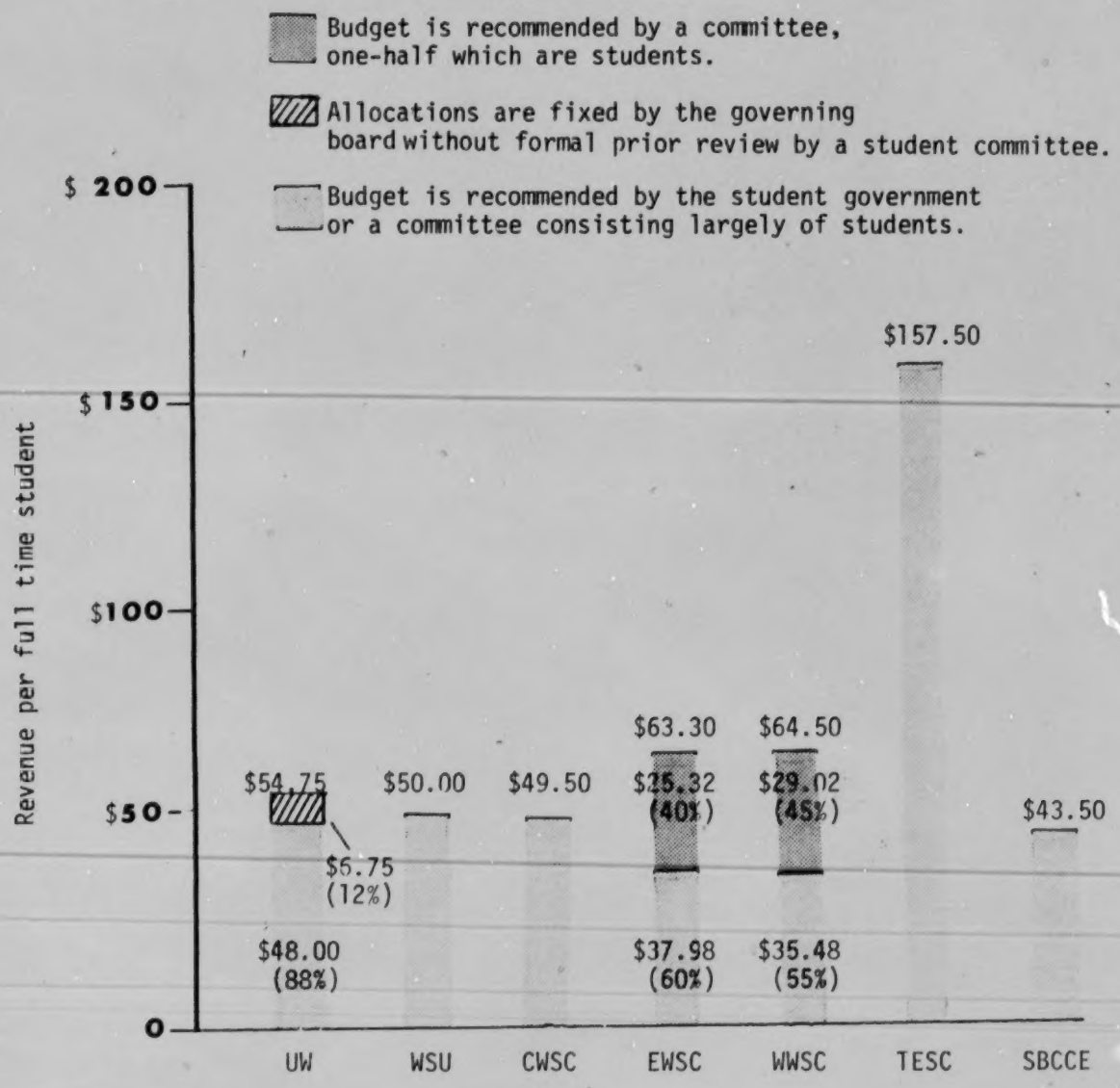
Deposits to Debt Service

Funds Available for Operations

TABLE III

DISTRIBUTION OF S & A FEE REVENUE
AVAILABLE FOR OPERATIONS

(Percentages indicate the portion of S & A fee revenue that is budgeted by the respective committees or student organizations.)



Note: At WSU and CWSC, the charge to the review committee and the constituency those committees are specified by a directive of the president. At the remaining four institutions the governing board itself has reviewed and approved the budgeting procedures or has specifically delegated that responsibility as it concerns S & A fees to the President. The SBCCE guidelines call for preparation of the budget "by the student governmental organizations, with the understanding that professional staff with direct responsibility for the conduct of student programs and budgets should have input in the development of the budget."

TABLE IV

CONSTITUENCY OF REVIEW COMMITTEES AND ELIGIBLE ACTIVITIES

PORTION OF S & A FEE OPERATIONS BUDGET WHOLLY OR LARGELY DETERMINED BY STUDENTS	UW	WSU	CWSC	EWSC	WWSC	TESC	SBCCE
How much of S & A fee revenue for operations is left predominately to students for budgeting?	$48.00*	$50.00	$49.50	$37.98	$35.48	$157.50	$43.50
What proportion of the review committee is composed of students?	7 of 7=100%	7 of 11=64%	4 of 7=57%	100% **	100%**	6 of 8=75%	***
Eligible activities (see appendix H for a listing of activities funded from S & A fees)	not specified	not specified	not specified	not specified	not specified	not specified	Excludes: 1.Salaries of tenurable or classified staff. 2.Activities assumed to be covered by appropriated funds.
PORTION OF S & A FEE OPERATIONS BUDGET LEFT PARTLY TO STUDENTS OR EXCLUDED FROM STUDENT REVIEW							
How much of S & A fee revenue for operations is budgeted in this manner?	$6.75	none	none	$25.32	$29.02	none	none
What proportion of the review committee is composed of students?	no review committee used****	-	-	5 of 10=50%	7 of 14=50%	-	-
Eligible activities*****	student union student publications student union maintenance short term student loans			intercollegiate athletics forensics theater choir band orchestra rifle team	intercollegiate athletics forensics theater choir band orchestra dance student publications		

* $7.50 is, per action of the Board of Regents, given directly to the ASUW or GPSS. It is not reviewed by the S & A fee review committee.

** Budget recommendations are developed by the student legislature.

*** The student legislature develops the S & A fee budget in cooperation with professional staff associated with S & A fee activities.

**** These activities are funded through an earmarking of funds by the board of regents.

***** The UW and WWSC governing boards have specifically identified eligible activities. At EWSC, eligible"departmentally related" activities are not specifically defined, and the above list is a description of what activities are presently funded.

TABLE V

TYPE OF REVIEW PROCESS EMPLOYED FOR
APPROVAL OF THE S & A FEE OPERATING BUDGET

TRANSMITTED DIRECTLY TO GOVERNING BOARD	REVIEWED AND APPROVED BY THE PRESIDENT	REVIEWED AND APPROVED BY AN INSTITUTIONAL BUDGET REVIEW COMMITTEE PRIOR TO PRESIDENT'S APPROVAL	REVIEWED AND APPROVED BY AN INSTITUTIONAL BUDGET REVIEW COMMITTEE AND THE ALL-COLLEGE SENATE PRIOR TO PRESIDENTS APPROVAL
SBCCE	WSU	UW	WWSC **
EWSC *	CWSC ***		
	TESC		

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* Although the recommendations of the associated students and the departmentally related budget committee are transmitted without changes to the trustees, both recommendations are reviewed and commented on by the president and the budget advisory group.

** Unlike the UW, whose budget review committee consists entirely of administrators, the institutional budget review committee at WWSC has an equal distribution of students and faculty or administrators. That committee's specific purpose is to provide advise to the All-College Senate in matters related to student affairs.

*** The budget is first reviewed by the Dean of Student Development for the specific purpose of assuring that income assumptions are correct and that duplication with other college budgets does not exist.

TABLE VI

EXTENT TO WHICH STUDENT INPUT ON INCURRING OF
BONDED INDEBTEDNESS IS SPECIFIED BY THE INSTITUTION

FORMAL REVIEW PROCEDURES ADOPTED BY THE GOVERNING BOARD	INDICATION BY INSTITUTIONAL ADMINISTRATION OF INTENT TO USE THE SAME REVIEW PROCESS AS EMPLOYED FOR BUDGETING OF THE OPERATIONS PORTION OF THE S & A FEES	POLICY HAS NOT BEEN ADOPTED WITH REGARD TO REVIEW OF PROPOSALS FOR ADDITIONAL BONDING AGAINST S & A FEES
WWSC*	UW	EWSC
	WSU	
	CWSC	
	TESC	

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* Bonding proposals are developed and initially approved by a predominately student committee; but instead of being reviewed by the College Services Council, as is the operations budget, all decisions on additional bonding are reviewed by the Business and Finance Council, two of whose nine members are students.

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SUMMARY

The Council for Postsecondary Education was directed by House Resolution 1976-66 to report to the House of Representatives on institutional conformance with the directive to (1) adopt procedures for adequate student input in budgeting and expending Services and Activities fees, and (2) define those programs and activities for which revenue generated from these fees may be expended.

The governing boards at the UW, EWSC, TESC, and WWSC have adopted procedures for involving students in the budgeting of services and activities fees; whereas, at WSU such procedures are stipulated by an official directive of the president. At CWSC, practices have been adopted which are described in written communication between the president of CWSC and the House of Representatives or the CPE.

The nature of student input varies from institution to institution. All institutions use advisory committees consisting largely of students or they rely directly on the student government. At the UW and WSU the advisory committee recommends on the broad distribution of funds to less than a dozen categories of operational activities. At CWSC, the advisory committee reviews and recommends on the support of a dozen or more categories of operational activities. At TESC, the committee budgets to about forty specific activities. At EWSC and WWSC, departmentally related activities are reviewed and recommended on by a committee, half of which are students, and the remaining activities are budgeted by the student legislature.

Procedures for review of capital projects also vary, and are generally less specific than those developed for operational budgeting. EWSC has not adopted procedures to be followed in this area since it does not anticipate additional funding of capital projects from services and activities fees in the near future.

The governing boards at the UW, WSU, CWSC and WWSC, to varying degrees, have identified activities or categories of activities eligible for funding from services and activities fees. The degree of such specification varies from identification by WWSC of the seven departmentally related budgets eligible for services and activities fee support to the decision at CWSC to exclude performing arts from funding by services and activity fee revenue. The EWSC and TESC have not felt it necessary to define eligible activities, and have elected to delegate such definitions to the review committee(s).

APPENDIX A

HOUSE RESOLUTION 1976-66

HOUSE OF REPRESENTATIVES

HOUSE FLOOR RESOLUTION NO. 76-66, by Representatives Maxie, Moreau and Charnley.

WHEREAS, the Washington State House of Representatives' Committee on Higher Education has been requested, through House Floor Resolution 1975-40, to investigate use of services and activities fees on the state's college campuses to determine if they are operated consistent with legislative intent; and

WHEREAS, the Washington State House of Representatives' Committee on Higher Education's Subcommittee on Services and Activities Fees has acted in accord with House Floor Resolution 1975-40; and

WHEREAS, the Subcommittee on Services and Activities Fees has determined, through testimony from representatives of student associations and from representatives of boards of trustees that a question does exist as to the operation of the fees on some of the campuses; and

WHEREAS, these questions should be resolved through legislative action only as a last resort; and

WHEREAS, the community college system is separate and apart from the state college and university system; and

WHEREAS, the State Board for Community College Education, students and college representatives drafted the State Board for Community College Education's guidelines which appear to be in conformance with chapter 28B.15 RCW and consistent with the original intent of the law;

THEREFORE, BE IT RESOLVED, That it is the sense of the House of Representatives that the community college district boards adopt the State Board for Community College Education's guidelines regarding services and activities fees;

BE IT FURTHER RESOLVED, That the State Board for Community College Education submit a progress report on district conformance to State Board for Community College Education's guidelines to the Washington State House of Representatives by January 1977;

BE IT FURTHER RESOLVED, That the Washington State House of Representatives directs that the trustees and regents of the state colleges and universities adopt procedures for adequate student input on budgeting and expenditures of services and activities fees and defines those programs and activities for which revenues generated from these fees may be expended;

BE IT FURTHER RESOLVED, That the Council for Postsecondary Education submit a progress report on institutional conformance with this Resolution no later than January 1977; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House shall send copies of this resolution to such interested persons as the House Committee on Higher Education shall determine.

APPENDIX B

EXCERPTS FROM 28.B.15 RCW

DEFINITION OF "INCIDENTAL FEES" PRIOR TO ENACTMENT OF CHAPTER 279, LAWS OF 1971.

Sec. 28B.15.030 RCW "INCIDENTAL FEES" AT UNIVERSITY DEFINED. The term "incidental fees' as used in this chapter with respect to the state's universities shall include the fees, other than general tuition fees, charged all students registering at any of the state's universities for quarters or semesters other than summer sessions but shall not include fees for short courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which universities shall have the right to impose, laboratory, gymnasium, health and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings and facilities of the universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon, or such other special fees as may be established by any university board of regents from time to time. Incidental fees shall be used as otherwise provided by law or by rule or regulation of the board of regents of each of the state's universities for their particular institution.

Sec. 28B.15.040 RCW "INCIDENTAL FEES" AT STATE COLLEGES DEFINED. The term "incidental fees" as used in RCW 28B.15.400 without limiting the generality thereof, should be deemed to include all building fees (except general tuition fees), student activity fees, laboratory, library, gymnasium, and health fees charged all students registering at each college.

Sec. 28B.15.050 RCW "INCIDENTAL FEES" AT COMMUNITY COLLEGES DEFINED. The term "incidental fees" as used in RCW 28B.15.500 shall include the fees other than general tuition fees, charged all students registering at the college for quarters other than summer sessions but shall not include fees for correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, laboratory, gymnasium, health fees, or fee charges, rentals and other income derived from any or all revenue-producing lands, buildings and facilities of the colleges heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon or such other special fees as may be established by the board of trustees from time to time.

APPENDIX C

OPINION, DOUGLAS COOK
ASSISTANT ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
SLADE GORTON ATTORNEY GENERAL
TEMPLE OF JUSTICE OLYMPIA, WASHINGTON 98501

July 26, 1971

The Board of Trustees
Seattle Community College
9600 Burke Avenue North
Seattle, Washington 98103

Attention: Dr. Cecil Baxter, Jr.
Chairman, Executive Committee

Gentlemen:

This is written in response to your recent letter requesting an opinion of this office on several questions pertaining to the permissible uses of the "services and activities fees" to be levied by our state colleges and universities (including community colleges) under chapter 279, Laws of 1971, Ex. Sess. We paraphrase your questions as follows:

(1) May any revenues derived from such "services and activities fees" be used to pay the salaries of college employees who are involved in the administration of financial aid programs, athletics, libraries and instructional resource centers, or counseling and testing?

(2) May any such revenues be used to fund the operational and administrative costs of special tutorial programs or curriculum development activities?

(3) May any such revenues be used to fund the maintenance and operation costs of the college, or university, including general administrative costs, instructional salaries, supplies and equipment?

(4) Where does the legal authority for the allocation of the "services and activities fees" reside, and what are the legal guidelines for the exercise of that authority?

We answer questions (1) and (4) as indicated in the analysis set out below; questions (2) and (3) are answered in the negative as explained therein.

ANALYSIS

By its enactment of chapter 279, Laws of 1971, Ex. Sess., [1] the legislature adopted a new scheme of tuition and fees to be implemented by all state colleges and universities - defined in § 1 as follows:

1 Effective August 9, 1971.

" ' Colleges and universities' for the purposes of this chapter shall mean Central Washington State College at Ellensburg, Eastern Washington State College at Cheney, Western Washington State College at Bellingham, The Evergreen State College in Thurston County, community colleges as are provided for in chapter 28B.50 RCW, the University of Washington and Washington State University." (Emphasis supplied.)

In so far as the act relates to community colleges such as yours, this new scheme is spelled out in § 10, amending the previous language of RCW 28B.15.500 as follows:

"General tuition fees ((~~and-incidental~~)), operating fees and services and activities fees charged students registered at each community college other than at summer quarters shall be as follows:

"(1) Full time resident students:

"(a) General tuition ((~~fees~~)) fee ((~~fifty~~)) forty-one dollars and fifty cents per quarter; ((~~and~~))

"(b) ((~~Incidental~~)) Operating fees ((~~not-more-than-twenty~~)), twenty-seven dollars per quarter; and

"(c) Services and activities fees, not more than fourteen dollars and fifty cents per quarter.

"(2) Full time nonresident students:

"(a) General tuition ((~~fees~~)) fee, one hundred ((~~fifty~~)) thirty-one dollars and fifty cents per quarter; ((~~and~~))

"(b) ((~~Incidental~~)) Operating fees, ((~~not-more-than-twenty~~)) eighty-one dollars per quarter; and

"(c) Services and activities fees, not more than fourteen dollars and fifty cents per quarter.

"Tuition ((~~and-incidental~~)), operating fees and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

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" . . . "

Similar amendments to the preexisting tuition and fee statutes for the University of Washington (RCW 28B.15.200), Washington State University (RCW 28B.15.300) and the four state colleges (RCW 28B.15.400) are contained in §§ 6, 7 and 9 of the act -- with, however, certain dollar differences. [2] Thus, although your questions relating to the permissible uses of "services and activities fees" have been framed from the standpoint of a community college, this opinion will of necessity have a considerably broader application.

In order to interpret chapter 279, Laws of 1971, Ex. Sess., in the light of your questions, it is necessary to look at the relevant rules of statutory construction. The primary rule when construing statutes is to ascertain and give effect to the legislative intention. King Cy. Etc. Ass'n. v. State Etc. Bd., 54 Wn. 2d 1, 336 P. 2d 387 (1959); Layton v. Home Indemnity Co., 9 Wn. 2d 25, 113 P. 2d 538 (1941); and McKenzie v. Mukilteo Water District, 4 Wn. 2d 103, 102 P. 2d 251 (1940). This rule was perhaps best stated in the ancient case of Eyston v. Studd (England, 1574), 2 Plowden 460, 464 [cited with approval in Alderwood Water Dist. v. Pope & Talbot, Inc., 62 Wn. 2d 319-321, 382 P. 2d 639 (1963)]:

> " ' . . . intent of statutes is more to be regarded and pursued than the precise letter of them, for oftentimes things, which are within the words of statutes, are out of the purview of them, which purview extends no further than the intent of the makers of the act, and the best way to construe an act of Parliament is according to the intent rather than according to the words. . . . ' "

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2 See, also, § 5, dealing with all state colleges and universities (including community colleges), and amending RCW 28B.15.100, to read as follows:

> "The board of regents and board of trustees at each of the state's colleges and universities shall charge to and collect from each of the students registering at the particular institution such general tuition fees ((~~incidental~~)), operating fees, services and activities fees, and other fees as such board shall in its discretion determine: PROVIDED, That such general tuition fees and ((~~incidental~~)) operating fees for quarters other than summer session shall be in at least the amounts for the respective institutions as set forth in RCW 28B.15.200, 28B.15.300, 28B.15.400 and 28B.15.500 as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be consistent with RCW 28B.15.500 as now or hereafter amended."

In addition, when determining the legislative intent of an amendment to a statute the old law must also be considered along with the new, " . . . for a presumption carries in all changes in statute law that the legislature had in mind a mischief . . . and a remedy." In re Eichler's Estate, 102 Wash. 497-499, 173 Pac. 435 (1918).

The sequence of application of these rules of statutory interpretation was stated in Ropo, Inc. v. Seattle, 67 Wn. 2d 574-577, 409 P. 2d 148 (1965), as follows:

> "It is an elementary principle of statutory interpretation that legislative intention may be inferred from extrinsic evidence such as the legislative history of prior enactment, the legislative history of the enactment itself, the interpretation given the statute by administrative officials, etc. But the language of the statute is the point at which we begin our inquiry: 'In arriving at the intent of the legislative body, the first resort of the courts is to the context and subject matter of the legislation, because the intention of the lawmaker is to be deduced, if possible, from what is said. Hatzenbuhler v. Harrison, 49 Wn. 2d 691, 697, 306 P. 2d 745, 749 (1957).' "

Thus, to answer your questions we will attempt to deduce legislative intent, first from the words of the statute and then from any secondary sources available. In the case of your first three questions, our objective will be to provide you with the basis for a definitional application of the term "services and activities fees" to certain expenditures made by a college or university, while in the case of question (4), it will be to elucidate legislative intent with regard to the placement of authority to allocate these revenues.

In answering these questions, it is first important to note that the principal thrust of the new tuition and fee scheme as set forth in § 10, supra, for community colleges - and in the comparable provisions of §§ 6, 7 and 9 for the other institutions noted above - is the replacement of the old "incidental fees" with two separate new fee categories - "operating fees" and "services and activities fees." Moreover, each of these two new terms is expressly defined in the act, as follows:

Section 2:

> "The term 'operating fees' as used in this chapter shall include the fees, other than general tuition fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, marine station work, experimental station work, correspondence or

> extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. Operating fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the general operation and maintenance of their particular institution."
>
> Section 3:
>
> "The term 'services and activities fees' as used in this chapter is defined to mean fees, other than general tuition and operating fees, charged to all students registering at the state's colleges and universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the express purpose of funding student activities and programs of their particular institution."

Reading, now, the provisions of these two definitional sections together with the substantive provisions of § 10, supra, we believe the basic purpose of these enactments to be apparent; namely, to replace the broad and undefined "incidental fee" with two somewhat more precise fees so that the legislature might more accurately direct the allocation of college and university fees, other than general tuition, between (a) operational expenditures and (b) student activities expenditures.

In terms of Eichler's Estate, supra, the mischief which the legislature had in mind was the imprecision of the incidental fee, and the remedy was the division of that fee into "operating fees" and "services and activities fees." Restated, the legislature intended that the operating fees not be expended for services and activities, and, conversely, that the services

and activities fees not be expended for normal operating expenses; for clearly, these two terms, as defined above, are mutually exclusive.

Question (1):

By your first question you have asked whether any of the revenues derived from "services and activities fees" may be used to pay the salaries of college employees who are involved in the administration of financial aid programs, athletics, libraries and instructional resource centers, or counseling and testing. Our opinion is that these salaries may be so funded only to the extent that the subject employees are engaged in student activities and programs - as opposed to normal maintenance and operation functions of the college. Thus, each case in this area will have to be judged on the basis of its own facts. For example, our factual assumptions about the functioning of libraries and instructional resource centers would lead us to conclude that administrative personnel devoting their full time to the maintenance and operation of these facilities could not be paid from funds generated by services and activities fees.[3] On the other hand, we think that those employees engaged in the administration of intramural or intercollegiate athletic programs could be so paid to the extent that their efforts are directed toward those activities. We also believe that those engaged in the administration of athletic programs which make up the regular program of the physical education department could not be paid from services and activities fees monies. The same analysis when applied to the area of counseling and testing suggests that only that counseling which is not a part of the normal maintenance and operation of the college may be funded through the services and activities fees.

Finally, the funding of salaries for financial aid administrators is also subject to the same analysis but with additional statutory support. Section 4, chapter 279, Laws of 1971, Ex. Sess., states that:

> "The board of trustees or regents of each of the state's colleges or universities may allocate from services and activities fees in an amount not to exceed one dollar per quarter or one dollar and fifty cents per semester to an institutional student loan fund for needy students, to be administered by

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3 For this analysis we have assumed that the maintenance and operation of instructional resource centers are more likely to be an operating expense rather than an activity expense. We make an opposite assumption for the maintenance and operation of a student government.

> such rules or regulations as the board of trustees or regents may adopt: Provided, That loans from such funds shall not be made for terms exceeding twelve months, and the true annual rate of interest charged shall be six percent."

This section grants each of the governing boards of the subject institutions the authority to allocate a specified portion of their "services and activities fees" revenues to an institutional student loan fund. It also grants them the rule-making authority to facilitate the administration of such a fund. This, we believe, reflects the legislature's recognition of the whole student financial aid area as a legitimate beneficiary of services and activities fees. It is, of course, clear that the legislature intended to restrict each institution's allocation of these fees to the loan fund to the stated maximum. However, the rule-making authority contained in § 4, coupled with the admonition of § 3 that services and activities fees be spent for the purpose of funding student activities and programs, leads us to the conclusion that a governing board may, in addition, direct that the administrative expenses of the financial aid program be funded from services and activities fees. In short, while the legislature restricted the amount of the allocation of services and activities fees which a governing board might make to the fund itself, it also expressly delegated to the respective boards the responsibility for administering that fund. This recognition by the legislature of the financial aid area as a student activity or program also leads us to conclude that administrative salaries occasioned in connection with student aid funds other than the one created by § 4, supra, may be funded by the services and activities fees.

To facilitate your application of the above analysis to a particular factual circumstance, we call to your attention certain remarks regarding the issue raised by this question which were made on the floor of the house of representatives during debate on the act.[4] Representatives King and Smythe were there discussing their understanding of the last sentence of § 3, supra, which reads:

> " . . . Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the express purpose of funding student activities and programs of their particular institution."

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[4] On April 27, 1971, during the debate on the measure, it is recorded in the House Journal that the following exchange between Representatives King and Smythe occurred:

It appears from this exchange to have been the legislature's intent to include some element of student desire or approval within the definition of "student activities and programs." Consistent therewith, we would think that expenditures of the subject "services and activities fees" which are made in support of those activities or programs in which the student government has some degree of participation will more readily be regarded as expenditures appropriately made from funds generated by those fees than will expenditures made for other programs.

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4 Cont'd.

"Mr. King yielded to question by Mr. Smythe.

"Mr. Smythe: 'Representative King, the amendment reads for the "express purpose of funding student activities and programs." Could you, for the benefit of the House, define what you term "activities and programs" that this would cover?'

"Mr. King: 'Well, I believe the intent here is that it be anything that is adopted by the student government (whatever government that is) and hopefully by the governing body in addition to it. It would include such things as their athletic programs (if they want to), their intercollegiate debate, their school dances -- all the things that students do as a part of their activity programs. In addition to that, I would believe that this amendment would cover the things necessary for the activities. I think it would be possible if the student government decided to build an intramural building, for example, as part of their activities program, and they were involved in it, that this would cover that also. I think the key thing is that it be related to a decision made by the students.'

"Mr. Smythe: 'Thank you, and I think his main point and the one you should keep in mind is that the students themselves are being involved. The decisions will be made by their governmental leadership. At this point, we do not feel this is being done. He also stated it would be with the concurrence of the administration. I think this is a good amendment. I think it will suffice to give us some kind of a definition until such time as a study comes forth with something better, and I really urge your support of it.' "

Question (2):

Your second question inquires into the permissibility of funding special tutorial programs and curriculum development activities from services and activities fees. Of course, consistent with the foregoing, you should be aware that the use of the words "programs" and "activities" will not be determinative. As in the case of employees' salaries, discussed above, the factual circumstances as opposed to the chosen labels will determine the permissibility of the expenditure.

With this caveat in mind, it is our opinion that the funding of special tutorial programs, or of curriculum development activities thereto would not ordinarily constitute legally permissible uses of funds generated by services and activities fees. This conclusion stems from our understanding that while such programs and activities may well be innovative, they are, nevertheless, designed to carry out the fundamental educational objective of the colleges and universities. As such, they seem better suited to the characterization of maintenance and operation than to that of student activities and programs.

Question (3):

Your third question inquires as to whether revenues derived from services and activities fees may be used to fund the maintenance and operation costs of the college or university, including general administrative costs, instructional salaries, supplies and equipment. Based upon the foregoing analysis, this question is clearly answerable in the negative. These costs, instead, represent proper objects to be funded through revenues derived from the mutually exclusive "operating fees."

Question (4):

Your fourth question, repeated for ease of reference, is as follows:

Where does the legal authority for the allocation of the "services and activities fees" reside, and what are the legal guidelines for the exercise of that authority?

Section 5 of the subject act, amending RCW 28B.15.100, expressly delegates to the various governing boards of regents or trustees the authority to charge and collect general tuition fees, operating fees and services and activities fees. Under §§ 6, 7, 9 and 10, these boards have the sole authority for setting the amount of the services and activities fees. In so far as the use of these fees is concerned, § 3, supra, provides that it is the board of regents or trustees which possesses the authority to allocate the funds generated by these fees for the purposes stated in that section; i.e., funding student activities and programs.

Moreover, we do not regard the earlier quoted discussion between Representatives King and Smythe (see footnote 4, supra) as being inconsistent with these express statutory provisions. Instead, as above indicated, their conception of the role of student government under the act falls within the definitional area (i.e., what is or is not a student activity or program) and not the area of budgeting or fund allocation. Thus, the absence of student involvement in a given activity may well disqualify that activity for funding from the services and activities fees. On the other hand, only the board of trustees or regents has the authority to allocate the funds generated by these fees to these activities or programs which do qualify.

We trust the foregoing will be of assistance to you.

Very truly yours,

FOR THE ATTORNEY GENERAL

Douglas Cook
Assistant Attorney General

DC:jt

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EASTERN WASHINGTON STATE COLLEGE 1890

★EWSC★ ASSOCIATED STUDENTS

CHENEY, WASHINGTON 99004

August 6, 1971

The Honorable Slade Gorton and
The Honorable Douglas Cook
Office of the Attorney General
Temple of Justice
Olympia, Washington 98501

Dear Sirs:

On July 30, 1971, Mark Henning, of the Intercollegiate Political Affairs Commission (IPAC) mailed me a copy of your office's opinion concerning "the permissible uses of the services and activities fees" by state colleges and universities. Enclosed herewith please find one copy of said document, Appendix (A). The interpretation, as you indicated, has broader application than merely to Seattle Community College, by whom it was requested. It apparently applies as well to us at Eastern Washington State College and all other Washington State four year institutions of higher education.

You were very precise in establishing the legal guidelines for exercising that fee-spending authority. You arrived at two very clear conclusions:

1. That the Boards of Regents or Trustees possess the authority to allocate expenditures from the funds generated by these fees; and

2. That these funds are to be spent specifically and only for student activities and programs.

You remain unclear, however, as to who is to determine if a given activity is truly a "student activity," thereby determining the appropriateness of those expenditure(s).

I maintain that there is a lawful requirement that must be met in order for an institution to lawfully spend funds generated by the "student services and activities fees."

You allude to and seemingly overlook this requirement in your brief reference to the Smythe-King Discussion on the floor of the House of Representatives on April 27, 1971. You stated on page 8 of your document:

> It appears from this exchange to have been the legislature's intent to include some element of student desire or approval within the definition of "student activities and programs." Consistent therewith, we would think that expenditures of the subject "services and activities fees" which are made in support of those activities or programs in which the student government has some degree of participation will more readily be regarded as expenditures appropriately made from funds for other programs.

It is apparent that the law as written does not clearly describe a method by which the "appropriateness" of "student services and activities fees" expenditures may be determined.

It is my contention that those who created this law intended that a method for determining this "appropriateness" be recognized.

Enclosed herewith please find our copy of the excerpt of debate to which you refer in the aforementioned comments. (These, also, were mailed to me by members of IPAC.) Please note that this document contains some additional remarks; those made previous to the remarks you included in your office's opinion. To wit:

> "...we should have something more definitive in the law because right now these fees are not being used in the areas that the students have a right to assume they should be used in. I would like to ask Representative King to yield to a question here to get something in the record."

Here, in my opinion, it is pointed out that what is to follow is an effort to prohibit the current use of these funds in areas other than "student activities." (The only persons capable of this, as you know, are the Board of Regents or Trustees.) It also indicates that what follows is specifically for the purpose of establishing what is called "legislative intent." The details are brought out in the discussion:

POINT OF INQUIRY

Mr. King yielded to question by Mr. Smythe.

Mr. Smythe: "Representative King, the amendment reads for the 'express purpose of funding student activities and programs.' Could you, for the benefit of the House, define what you term 'activities and programs' that this would cover?"

Mr. King: "Well I believe the intent here is that it be anything that is adopted by the student government (whatever government that is) and hopefully by the governing body in addition to it. It would include such things as their athletic programs (if they want to), their intercollegiate debate, their school dances--all the things that students do as part of their activity programs. In addition to that, I would believe that this amendment would cover the things necessary for the activities. I think it would be possible if the student government decided to build an intramural building, for example, as part of their activities program, and they were involved in it, that this would cover that also. I think the key thing is that it be related to a decision made by the students."

Mr. Smythe: "Thank you, and I think his main point and the one you should keep in mind is that the students themselves are being involved. The decisions will be made by their governmental leadership. At this point we do not feel this is being done. He also stated it would be with the concurrence of the administration. I think this is a good amendment. I think it will suffice to give us some kind of a definition until such time as a study comes forth with something better, and I really urge your support of it."

This clearly points out that when the law was passed, those who voted for it intend to provide the right for a student voice in determining the areas where "student services and activities fees" could be spent. It makes necessary a procedure and provides a single, lawful method by which the appropriateness of these expenditures may be determined.

I feel that to say:

"...expenditures of the subject "services and activities fees" which are made in support of those activities or programs in which the student government has some

> degree of participation will more readily be regarded as expenditures appropriately made from funds generated by those fees than will expenditures made for other programs..."

is hardly consistent therewith. According to this (your) statement, it is feasible that a "student activity" may be funded without being "related to a decision made by students," clearly in opposition to the legislative intent.

Applying this method as law is based on the assumption that "legislative intent" can be interpreted as law in court.

From your document, page 4, it is stated:

> ...when determining the legislative intent of an amendment to a statute the old law must also be considered along with the new, "...for a presumption carries in all changes in statute law that the legislature had in mind a mischief...and a remedy." In re Eichler's Estate, 102 Wash. 497-499, 173 Pac. 435 (1918).
>
> The sequence of application of these rules of statutory interpretation was stated in Ropo, Inc. vs. Seattle, 67 Wn. 2d 574-577, 409 P. 2d 148 (1965), as follows:
>
> > "It is an elementary principle of statutory interpretation that legislative intention may be inferred from extrinsic evidence such as the legislative history of prior enactment, the legislative history of the enactment itself, the interpretation given the statute by administrative officials, etc. But the language of the statute is the point at which we begin our inquiry: 'In arriving at the intent of the legislative body, the first resort of the courts is to the context and subject matter of the legislation, because the intention of the lawmaker is to be deduced, if possible, from what is said. Batzenbuhler v. Harrison, 49 Wn. 2d 691, 697, 306 P. 2d 745, 749 (1957).'"

First, you understand that this is an amendment to a statute. Second, the law as written does not establish the method by which we can determine the "appropriateness" of these expenditure(s).

This leads to another portion of your document, page 3:

> In order to interpret chapter 279, Laws of 1971, Ex. Sess., ... it is necessary to look at the relevant rules of statutory construction. The primary rule when construing statutes is to ascertain and give effect to the legislative intention. King Cy. Etc. Ass'n. v. State Etc. Bd., 54 Wn. 2d 1, 336 P. 2d 387 (1959); Layton v. Home Indemnity Co., 9 Wn. 2d 25, 113 P. 2d 538 (1941); and McKenzie v. Tukilteo Water District, 4 Wn. 2d 103, 102 P. 2d 251 (1940). This rule was perhaps best stated in the ancient case of Eyston v. Studd (England, 1574), 2 Plowden 460, 464 (cited with approval in Alderwood Water Dist. v. Pope & Talbot, Inc., 62 Wn. 2d 319-321, 382 P. 2d 639 (1963):
>
> > "'...intent of statutes is more to be regarded and pursued than the precise letter of them, for oftentimes things, which are within the words of statutes, are out of the purview of them, which purview extends no further than the intent of the makers of the act, and the best way to construe an act of Parliament is according to the intent rather than according to the words...' "

This, I believe, establishes legislative intent as a prime factor in determining the nature of the law.

On the final page of your document you state:

> ...the role of student government under the act falls within the definitional area (i.e., what is or is not a student activity or program) and not the area of budgeting or fund allocation.

Here you separate the definition of "student activities" from the funding of said activities. I would say that whether or not an activity is defined as a student activity is directly related to its funding.

You go on to say:

> Thus, the absence of student involvement in a given activity may well disqualify that activity for funding from the services and activities fees. On the other hand, only the board of trustees or regents has the authority to allocate the funds generated by these fees to these activities or programs which do qualify.

I would say that what the legislature intended is that students be involved in the decision as to whether or not an activity is indeed a student activity, and not merely being involved in the activity itself.

This should not be construed as meaning that the authority to spend these funds lies within the students' governmental organizations. The law states:

> "...Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the express purpose of funding student activities and programs of their particular institution."

However, expenditures by the boards of regents or trustees must be lawful, and that means, through careful interpretation, before these funds may be spent, this question must be put to students: "Is this given program to be considered a student activity?" The question should be presented through the students' "governmental leadership" so that these fees can be used "in the areas that the students have a right to assume they should be used in."

I request these determinations from you:

1. Is the method to determine "appropriateness" of expenditures of "student services and activities fees" the method I have described above?

2. If it is not the method, who then shall determine the "appropriateness" of these expenditures?

3. Again, if it is not the method, does another method as you might describe include the right of a student voice in determining the "appropriateness" as intended by those who voted for and passed this amendment?

Awaiting your reply, I remain...

Respectfully yours,

John Allen

John Allen
President
Associated Students
Pence Union Building
(509)359-2514

JA/vj

Enclosures

OFFICE OF THE ATTORNEY GENERAL
SLADE GORTON ATTORNEY GENERAL
DEXTER HORTON BUILDING
SEATTLE, WASHINGTON 98104

September 17, 1971

Mr. John Allen, President
Associated Students
Pence Union Building
Eastern Washington State College
Cheney, Washington 99004

Dear John:

Pursuant to our recent telephone conversation, I am writing this personal reply. At the outset you should understand that the views expressed herein are my personal views and do not represent an official opinion of the Attorney General's office. Official opinions, like the one discussed in your letter, are in fact combinations of many views articulated in such a manner that a concensus can be reached. In short, an official opinion of the Attorney General's office is much like a judicial opinion at the appellate level which is authored by a single judge but which is, in fact, a concensus representing the views of many.

With this distinction in mind, I would like to give you my reaction to the points raised in your letter. I believe the core of your concern is found in the following paragraph of your letter:

> "You remain unclear, however, as to who is to determine if a given activity is truly a 'student activity', thereby determining the appropriateness of those expenditure(s)."

You cite as primary source authority the Smythe-King Discussion on the floor of the House of Representatives on April 27, 1971.

Before addressing myself to the substance of your inquiry, I believe it is necessary to review the methods of statutory interpretation. In particular, I call your attention to the material on page four of the opinion which you have quoted in your letter which discusses the sequence of application of the rules of statutory interpretation. Some misunderstanding may have stemmed from a portion of the quotation from Ropo, Inc. vs. Seattle, 67 Wn.2d 574, 577, 409 P.2d 148 (1965). The last portion of that quote states, "...the intention of the lawmaker is to be deduced, if possible, from what is said." If the entire Ropo case is read, one

discovers that the sentence would have been more clear had it said, "...the intention of the lawmaker is to be deduced, if possible, from what is said [in the law.]"

You and I agree that the purpose of legislative interpretation is to deduce the intent of the legislature when it passed the amendment to the fee statute. I believe we are in disagreement, however, about the appropriate method of deducing that intent. I believe the primary rule to be: the language of the statute is controlling and the beginning point of any attempted interpretation. In addition when dealing with an amendment, I believe that a comparison of the statutory language before and after the amendment is extremely helpful in deducing the legislative intent.

I must confess to a great deal of personal skepticism concerning the usefulness of floor discussions when attempting to determine legislative intent. I am not aware of the circumstances surrounding the discussion between Representatives Smythe and King. And I want to make it very clear that I do not make any judgments about the credibility of that discussion. However, I do know that on other occasions legislators have engaged in floor discussions purely as a matter of pageantry in the hope that the legislation under discussion will take on a meaning for some constituents which would not be acceptable to the entire legislative body if that meaning were contained within the language of the act. Consider the example of a floor discussion by those opposed to the legislation under discussion. Could those opponents place an interpretation on the legislation opposite to the meaning contemplated by its authors? If floor discussion is elevated to such a position those favoring the legislation would then have to vote against it not on the basis of the language contained within the act but rather based upon the glaze given the act by the floor discussion.

The point I make is simply this: The normal rules of statutory interpretation will not allow a floor discussion to place an interpretation on a piece of legislation which is either inconsistent with or substantially supplemental to the language of the act itself. This rule is a necessary one from a common sense point of view.

In my view, our difference of opinion is simply that you believe the King-Smythe debate has added to the new fee statute a requirement that the funding of student activities by the Board of Trustees be first approved by the student government, and I believe that the King-Smythe debate has not added such a requirement. At the risk of pursuing a "tis, tis not" argument, I would like to reiterate some of the reasons for the conclusion reached in the opinion. Two years ago I was still a student and certainly would not regard the addition of such a requirement as a bad thing for colleges and universities.

However, I would regard such a requirement as a new and even radical step in the law. Given the nature of this change, I find it extremely unlikely that the legislature would not expressly state this change if that were in fact its intention. Sub silentio radical change just does not seem likely to me.

As you point out in your letter, the Boards of Regents or Trustees possess the authority to allocate the expenditures from funds generated by the student activities fees. Thus, it is the Board which possesses the initial power to determine what is and what is not a student activity. The Board must exercise that power in each case at its peril. If it chooses to fund an activity which is not a student service or activity, then the expenditure is illegal. Such illegal acts are subject to the same remedies as any other illegal act performed by a public body. The point is that the Board of Trustees need not establish any method of determining what is and what is not a student service and activity if it is always correct in its conclusions. The elusions in the opinion to the definitional role of the students were meant to demonstrate the overlap between substantive and procedural questions. Even though there is no procedural requirement that the Board of Trustees obtain the approval of the student body for any given activity before it is funded, it is my strong belief that if some procedural participation by students is evidenced the substantive conclusion about the nature of the activity will more likely be that the activity is a student activity.

I hope I have responded to the questions you posed in your letter. By way of summary, let me state that the Board of Trustees must determine the appropriateness of all expenditures which it authorizes. In the case of expenditures from funds generated by the services and activities fees, the Board must satisfy itself that such expenditures are for the express purpose of funding student activities and programs. The act does not articulate a particular method for obtaining this satisfaction. I have stated my belief that the judiciary is more likely to uphold such expenditures when there has been a degree of student participation in the identification of the activity as a student activity.

Very truly yours,

FOR THE ATTORNEY GENERAL

Douglas Cook
Assistant Attorney General

DC:cs
cc: Slade Gorton
Attorney General

APPENDIX D

BONNIE GOOD vs. ASSOCIATED STUDENTS OF

THE UNIVERSITY OF WASHINGTON

[No. 43073. En Banc. November 20, 1975.]

BONNIE GOOD, ET AL, *Appellants*, v. ASSOCIATED STUDENTS OF THE UNIVERSITY OF WASHINGTON, ET AL, *Respondents*.

[1] Colleges and Universities—Student Activities—Control of Student Fees. Under RCW 28B.15.041, a state college or university board of regents may disburse student activities and services fees through a student corporation operating as an agent of the institution and subject to the board's control.

[2] States—Officers—Statutory Powers—Exercise—Necessity. Failure of a state officer to exercise statutorily granted powers does not nullify such powers.

[3] Constitutional Law—Right To Associate—In General. The right of a citizen to associate or to refuse to associate with others is protected by the First Amendment.

[4] Colleges and Universities—Student Activities—Mandatory Membership and Fees. While activities and services fees must be collected from all students at state-supported colleges, such students may not be compelled to be members of any student organization advocating and representing views not held by students objecting thereto.

[5] Colleges and Universities—Student Activities—Student Corporation—Limitations. A student corporation's disbursement of mandatory student activities and services fees must be for purposes permitted by the underlying statutory scheme and must represent a spectrum of views.

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Appeal from a judgment of the Superior Court for Thurston County, No. 45358, Frank E. Baker, J., entered November 27, 1973. *Reversed.*

Action to enjoin the collection and disbursement of certain student fees and to require the reimbursement of certain funds wrongfully collected. The plaintiffs appeal from a summary judgment in favor of the defendants.

Richard B. Sanders, for appellants.

Slade Gorton, Attorney General, by *Gerald L. Coe, Assistant*, for respondents.

BRACHTENBACH, J.—This is an action by three University of Washington students, individually and as representatives of a class, against the University of Washington (U of W), its regents, the Associated Students of the University of Washington (ASUW) and others. The controversy stems from required student membership in the ASUW, the activities of that organization and the financial support thereof by the university through a mandatory services and activities fee, a portion of which is allocated to the ASUW.

The plaintiffs seek to enjoin collection and distribution of the services and activities fee, to enjoin payment of that fee as a prerequisite to enrollment and to require the university to establish a fund for reimbursement of fees unlawfully or wrongfully collected. The trial court granted defendants' motion for summary judgment. We reverse and remand.

All full time students at the U of W are charged a mandatory services and activities fee. For example, in the 1969-70 academic year the fee was $35 per quarter with $3.50 allocated to the ASUW. In 1971-72, the fee was $37, with $2.50 going to the ASUW. The ASUW was incorporated as a nonprofit corporation in 1906. The articles of incorporation provide that all registered students who have paid the students' annual fee shall be members of the corporation. The ASUW bylaws amplify that "All regularly enrolled full-time students of the University of Washington who have paid supporting fees established by the Board of Regents shall be members of the Association."

The formal governing body of the ASUW is a board of control, elected by student members of the corporation. The factual and legal relationship between the U of W and the ASUW will be discussed later.

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The ASUW engages in a number of activities, such as sponsoring campus speakers, cultural events involving art, music and drama, and film services. The association provides various services ranging from poster making facilities to a distribution of a contraception handbook. The record fails to detail the amount of financial support for each of the various functions performed.

The plaintiffs complain that the ASUW has consistently promoted a one-sided political viewpoint, both in its choice of speakers and in taking public positions on various controversial topics. As far as this latter is concerned, the record discloses resolutions from the ASUW supporting activities in Berkeley, California, to establish a "people's park," endorsement of a bill to ban throwaway beverage containers, support against the shipment of nerve gas through Washington, condemnation of drilling for oil in Puget Sound, protest of the actions of a grand jury in Ohio, support of the activities of the United Farm Workers in organizing the lettuce industry in California, and opposition to the invasion of Laos.

Plaintiffs also complain about expenditures for such things as paying $320 to two California student body presidents for legal defense and bail bonds for students involved in the "people's park" controversy, rent for an off-campus "drop in" center, a $9,000 loan to the student yacht club, contribution of $550 to the Viet Nam war moratorium, $500 to the intercollegiate political affairs commission to support an information center in Olympia during a special session of the legislature, payment of $100 to the National Student Association Center for Student Legal Rights, $50 to assist in the lettuce boycott, $1,527 for speakers at a war moratorium meeting, and $500 to the antiwar fall offensive.

Plaintiffs raise two primary issues: (1) Does the university have the authority to allocate funds to the ASUW? (2) Are students' First Amendment rights violated by (a) the requirement that they be members of the ASUW; (b) that they are charged a fee to support the ASUW?

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With respect to the issue of the university's authority to

fund the ASUW, plaintiffs first argue that the board of regents has no statutory authority to make such an allocation of student fees. We disagree. RCW Title 28B, the higher education code, grants to the board extensive and quite general powers. For example, RCW 28B.20.100 provides that the government of the university shall be vested in a board of regents. RCW 28B.20.130 provides that the board shall have "full control of the university and its property." Directed by RCW 28B.15.100 to collect from students a services and activities fee, the board has been granted broad discretion as to how such fees are to be used. RCW 28B.15.041 provides that the services and activities fee shall be used "as otherwise provided by law or by rule or regulation of the board of . . . regents . . . for the express purpose of funding student activities and programs of their particular institution."

[1] We believe that the range of powers given to the board is sufficiently wide to encompass their decision to provide student activities and services through a separate nonprofit corporation, so long as that entity is in essence an agency of the university and subject to ultimate control by the board. This view is buttressed by the fact that the legislature is well aware of the corporate nature of the ASUW.

A 1956 report to the Legislative Council by a subcommittee on education discussed the relationship between the regents and the corporate ASUW and even quoted from the articles of incorporation. The corporate status of the ASUW was disclosed also in an attorney general's opinion which concluded that it was an arm and agency of the university and thus the state. Attorney General Opinion, May 10, 1956. That opinion further revealed to the state senator to whom it was written that two superior court lawsuits decided in the 1930's had reached a similar conclusion. An additional indication that the legislature is aware that the ASUW maintains a corporate identity separate from (though intimately connected with) the university is found in RCW

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28B.10.640, which authorizes the association to contract for certain purchases and services.

It is clear that the ASUW is subject to ultimate control by the regents. The bylaws of the ASUW include the following:

> Since the government of the University of Washington is vested in a Board of Regents, the Board of Regents has delegated to the President of the University authority to formulate rules incident to the management of student affairs, all action taken by the Associated Students of the University of Washington (ASUW) shall be consistent with University rules as well as with all provisions in the Articles of Incorporation of the Associated Students of the University of Washington.

Further those bylaws state:

> The members of the ASUW recognize that the ASUW is an integral part of the University of Washington, that the ASUW exercises power delegated to it by the University, and that the President of the University, acting for the Board of Regents, therefore has the right of final approval of or disapproval of all actions of the ASUW and its governing body and agent or agencies.

The Board of Regents in 1962 issued a policy statement affirming its conviction that

> a high degree of initiative and responsibility should be left to the ASUW organs of student government . . . [T]he experience in voluntary participation and in the decision making of student government is itself a valuable adjunct for students to the formal educational curriculum of the University. The Board wishes this aspect of student life to remain as free as possible, subject only to the final authority of the President to intervene in accordance with his powers described in the Articles of Incorporation and the Constitution of the ASUW . . .

75 When the president of the university, acting for the regents, approved the bylaws of the ASUW, his approval was specifically made subject to the rules and regulations of the university. But plaintiffs contend that legally the members of the corporation, the students, can amend the articles or bylaws and did in fact recently repeal a provision in the articles which recognized the right of the university president to approve or disapprove all actions of the ASUW. Obviously the students were testing the water in their relationship with the university administration. While they did repeal such a provision, they were forewarned by the vice president for student affairs that the article was desirable because it reminded all parties of the underlying authority of the Board of Regents. However, he said it was not essential, because if its elimination represented a desire to change the basic functions of the ASUW or to reject the present relationship of authority, then the university would have to reexamine its position and take whatever steps might be necessary to assure that legal requirements and the ultimate authority of the regents and president would continue to be respected.

[2] Plaintiffs counter with the argument that the university, in fact, has never initiated, altered or terminated any ASUW activity, program or position and, therefore, it is not an arm and agency of the university, but an independent entity. Failure to exercise a power which is statutorily vested in a body such as the regents does not mean that the power does not exist. The statutes grant the regents ultimate control over student services and activities programs. The regents have acknowledged and asserted that power in their policy statements. The ASUW bylaws recognize where final authority is vested. Use of that power and authority lies within the judgment of the regents. 63

The legislature has generally directed the purposes for which these fees may be expended:

> Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the express purpose of funding student activities and programs of their particular institution. 73

RCW 28B.15.041. Whether the ASUW has exceeded these statutory purposes is a factual matter not determined by the record in its present state. Additional evidence will be necessary for the trial court to resolve this issue. Later

herein we will address the appropriate relief to be granted if it is found that expenditures have been made for purposes beyond those authorized by statute. Our holding necessarily causes to fail plaintiffs' contentions that there is a gift of public money or a prohibited state interest in a corporation.

However, there remains plaintiffs' assertion that their First Amendment rights have been violated by the requirement of mandatory membership in the ASUW and financial support thereof. The main thrust of plaintiffs' position is that they have a constitutionally protected right to *not* associate with any group, just as they enjoin a concomitant right to associate with any group of their choice. We agree.

[3] Nowhere in the constitution does it mention the individual's right to associate with others in whatever form, political party, group or otherwise, to advance or oppose beliefs or ideas. Nonetheless that right is firmly established as an essential method of implementation and exercise of First Amendment guarantees. The court in *Griswold v. Connecticut*, 381 U.S. 479, 483, 14 L. Ed. 2d 510, 85 S. Ct. 1678 (1965), said:

> The right of "association," like the right of belief . . . is more than the right to attend a meeting; it includes the right to express one's attitudes or philosophies by membership in a group or by affiliation with it or by other lawful means. Association in that context is a form of expression of opinion; and while it is not expressly included in the First Amendment its existence is necessary in making the express guarantees fully meaningful.

NAACP v. Alabama, 357 U.S. 449, 2 L. Ed. 2d 1488, 78 S. Ct. 1163 (1958); *Aptheker v. Secretary of State*, 378 U.S. 500, 12 L. Ed. 2d 992, 84 S. Ct. 1659 (1964); *Coates v. Cincinnati*, 402 U.S. 611, 29 L. Ed. 2d 214, 91 S. Ct. 1686 (1971); *Healy v. James*, 408 U.S. 169, 33 L. Ed. 2d 266, 92 S. Ct. 2338 (1972); C. Rice, *Freedom of Association* (1962).

Freedom to associate carries with it a corresponding right to not associate. We have not been cited, nor have we discovered, a case which squarely holds that the right of

nonassociation is as much protected as the right of association. Various writers assert the proposition, apparently deeming it to be self-evident. C. Rice, *Freedom of Association*, xviii and 88 (1962); 21 U. Miami L. Rev. 791, 808 (1967); 56 Nw. U.L. Rev. 777, 778 (1962).

There are judicial expressions, in dicta and dissents, which recognize the freedom from forced association. For example, in *Ex parte Smith*, 135 Mo. 223, 227, 36 S.W. 628 (1896), it was said: "We deny the power of any legislative body in this country to choose for our citizens whom their associates shall be."

In apparent dictum, the United States Supreme Court in *Gilmore v. Montgomery*, 417 U.S. 556, 41 L. Ed. 2d 304, 94 S. Ct. 2416, 2427 (1974), quoted from an earlier dissent by Justice Douglas as follows: "Government may not tell a man or woman who his or her associates must be. The individual can be as selective as he desires." In dissenting in *International Ass'n of Machinists v. Street*, 367 U.S. 740, 6 L. Ed. 2d 1141, 81 S. Ct. 1784 (1961), Justice Black said at page 791:

> Our Government has no more power to compel individuals to support union programs or union publications than it has to compel the support of political programs, employer programs or church programs. And the First Amendment, fairly construed, deprives the Government of all power to make any person pay out one single penny against his will to be used in any way to advocate doctrines or views he is against, whether economic, scientific, political, religious or any other.

Again in dissent, Justice Douglas said in *Lathrop v. Donohue*, 367 U.S. 820, 881, 6 L. Ed. 2d 1191, 81 S. Ct. 1826 (1961):

> The right of association is an important incident of First Amendment rights. The right to belong—or not to belong—is deep in the American tradition.

The Supreme Court has struggled with this concept in a series of cases involving mandatory union membership and, in one instance, an integrated bar association, but has not

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met the issue head on. In *Lincoln Fed. Labor Union v. Northwestern Iron & Metal Co.*, 335 U.S. 525, 93 L. Ed. 212, 69 S. Ct. 251 (1949), and *AFL v. American Sash & Door Co.*, 335 U.S. 538, 93 L. Ed. 222, 69 S. Ct. 258 (1949), the court upheld right-to-work laws, that is, no compulsory union membership via a closed shop agreement, with only casual reference to association rights. From those cases Professor Rice concluded that the court inferentially placed the freedom not to associate on a plane of equality with the positive freedom to associate. C. Rice, *Freedom of Association*, 88 (1962).

The problem next arose in *Railway Employes' Dept., AFL v. Hanson*, 351 U.S. 225, 100 L. Ed. 1112, 76 S. Ct. 714 (1956), where the court upheld federal legislation authorizing union shop agreements between interstate railroads and the unions of their employees. The court expressly reserved the issue of First Amendment violations as not being presented by the record.

The reserved question was squarely before the court in *International Ass'n of Machinists v. Street*, 367 U.S. 740, 6 L. Ed. 2d 1141, 81 S. Ct. 1784 (1961), where it was alleged that the plaintiff employees were required, as a condition of continued employment, to join the union and pay various dues and assessments. Portions of the charges were used to finance political campaigns of candidates whom plaintiffs opposed and to promote political and economic doctrines with which they disagreed. The court acknowledged that the constitutional questions reserved in *Hanson* were of the utmost gravity, but neatly sidestepped the issue upon the principle that it would avoid unnecessary constitutional decisions by first ascertaining whether a construction of the statute was fairly possible by which the constitutional questions could be avoided. The court then proceeded with a statutory interpretation which held that the federal act only contemplated that union members would share the cost of negotiating and administering collective agreements and the costs of the adjustment and settlement of disputes, but that congressional intent did not allow the unions to

force employees, over their objection, to support political causes which they oppose. In a concurring opinion, Justice Douglas said that some forced associations are inevitable in an industrial society. He noted that all that *Hanson* had decided, which he wrote, was that the law could require all who gained from collective bargaining to contribute to its cost, but pointed out that the use of the members' funds for political purposes subordinates First Amendment rights. He quoted from Jefferson's writings as follows: " 'that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.' . . . Brant, Madison, The Nationalist (1948), p. 354." *International Ass'n of Machinists v. Street*, *supra* at 778 n.4. In dissent, Justice Black decried the majority's avoidance of the constitutional issue. He found the legislation to be patently unconstitutional, commenting

> [The First Amendment] leaves the Federal Government no power whatever to compel one man to expend his energy, his time or his money to advance the fortunes of candidates he would like to see defeated or to urge ideologies and causes he believes would be hurtful to the country.

International Ass'n of Machinists v. Street, *supra* at 790.

Decided the same day as the *Machinists* case, was *Lathrop v. Donohue*, 367 U.S. 820, 6 L. Ed. 2d 1191, 81 S. Ct. 1826 (1961), where the plaintiff contended that mandatory membership in the Wisconsin Bar Association was unconstitutional. In a curiously reasoned, rambling opinion, the court found a strong public purpose in an integrated bar, that the bar's legislative activities were minimal, and concluded they were confronted only with the question of compelled financial support of group activities, not with involuntary membership. The court decided that the record did not allow consideration of the constitutional question of impingement of the plaintiff's free speech. The difficulty with the case is summarized by Justice Black's dissent at page 865:

I do not believe that either the bench, the bar or the

Likewise in *Larson v. Board of Regents*, 189 Neb. 688, 690, 204 N.W.2d 568 (1973), the court held:

> [T]he fact that the plaintiffs may disagree with the views expressed by some of the speakers brought to the campus is not controlling. If such views are expressed only as a part of the exchange of ideas and there is no limitation or control imposed so that only one point of view is expressed through the program, there is no violation of the constitutional rights of the plaintiffs. Within reasonable limits, it is appropriate that many different points of view be presented to the students. . . . The plaintiffs' evidence does not support their assertion that the entire activity has been directed toward a particular point of view.
>
> . . .
>
> . . . Where a university newspaper is supported by mandatory student fees, or by other university funds, reasonable supervision is required by the university authorities with a view to promoting and permitting the reflection of a broad spectrum of university life and reasonable representation of the various aspects of student thought and action.

As indicated above there is a factual issue as to whether the ASUW has exceeded the statutory purposes contained in RCW 28B.15.041. The other material issue of fact is whether the Board of Regents, acting through its appropriate personnel, has failed to enforce its "guidelines relating to the expenditure of public funds and the use of university facilities by the ASUW and other affected organizations," which guidelines are dated March 23, 1971. In paragraph 3 of those guidelines, dealing with the subject of ASUW program management, it is stated:

> 3. It is recognized that educational programs are among the services the ASUW may provide for the benefit of its members. The ASUW has the responsibility to present its programs fairly and in such a manner as to ensure that through its programming activities, it does not devote public funds or property for other than public purposes.

Of related interest is a sentence taken from the preamble to the guidelines which reads:

> University facilities available for use by the ASUW and other organizations, as well as ASUW funds, must be considered public in nature and subject to the statutory and constitutional limitations as to their use and management to which all public facilities and funds are subject, in addition to such limitations as the Board of Regents or its authorized representatives might impose and those contained in the ASUW's Articles of Incorporation. Student senates, and ASUW commissions, agencies, and other component units similarly funded by the ASUW are as subject to the obligations and limitations set forth in these guidelines as is the ASUW.

Thus the trial court must determine whether the manner in which the university has discharged its obligation to enforce its own guidelines constituted a violation of those guidelines or constitutes an abuse of discretion vested in the university to determine whether the guidelines have been violated. Recognizing the balancing of competing interests, the court must determine whether the particular violations found, if any, are of such magnitude as to require mandatorily the stopping of such violations. Thus if the violations exhibit a pattern of neglect to supervise, it might fairly be said that the university is not enforcing its own guidelines and in effect has adopted a policy of not doing so. On the other hand, if there have been some violations and the university, in the exercise of its discretion, has determined that they are not so serious as to require intervention and thus help defeat the purpose of the guidelines, then that is another matter. The relief in such a case is not to require that funds spent for these occasional departures must be reimbursed to those who have paid their student activities fees. All that might be required is that the funds spent be returned to the ASUW and used for the lawful purposes of the ASUW.

Until these factual matters are resolved by the trial court we cannot decree the full extent of relief to be granted. We have pointed out that it would be inappropriate to totally enjoin the collection of fees or their allocation to the ASUW. Whether the defendants should be required to establish a fund from which each plaintiff, including the

litigants will know what has been decided in this case—certainly I do not.

Both Justices Black and Douglas argued in their dissents that the forced association and economic support of opposed views violated the First Amendment.

[4] Notwithstanding the convolutions of the above opinions of the United States Supreme Court, we have no hesitancy in holding that the State, through the university, may not compel membership in an association, such as the ASUW, which purports to represent *all* the students at the university, including these plaintiffs. That association expends funds for political and economic causes to which the dissenters object and promotes and espouses political, social and economic philosophies which the dissenters find repugnant to their own views. There is no room in the First Amendment for such absolute compulsory support, advocation and representation. We recognize that First Amendment rights are not absolute, but the university presents no arguments or facts to justify any exception, narrow as it would have to be, which might exist if a compelling state interest were presented.

Thus we hold that the university may not mandate membership of a student in the ASUW.

It does not follow, however, that plaintiffs cannot be required to pay a mandatory services and activities fee. The legislature has directed the regents to charge such fee, RCW 28B.15.100, and in so doing the legislature acted within its authority. *Litchman v. Shannon*, 90 Wash. 186, 155 P. 783 (1916).

Remaining is the issue whether these fees may be used for purposes to which plaintiffs object.

At this point we must balance the plaintiffs' First Amendment rights against the traditional need and desirability of the university to provide an atmosphere of learning, debate, dissent and controversy. Neither is absolute. If we allow mandatory financial support to be unchecked, the plaintiffs' rights may be meaningless. On the other hand if we allow dissenters to withhold the minimal financial contributions required we would permit a possible minority view to destroy or cripple a valuable learning adjunct of university life. With these balancing principles in mind, we proceed.

When a student enrolls at a university he or she enters an academic community—a world which allows the teaching, advocacy and dissemination of an infinite range of ideas, theories and beliefs. They may be controversial or traditional, radical or conformist. But the university is the arena in which accepted, discounted—even repugnant—beliefs, opinions and ideas challenge each other. In this tradition, the regents have decided to grant the ASUW a high degree of initiative and responsibility in conducting its affairs.

[5] Dissenting students should not have the right to veto every event, speech or program with which they disagree. On the other hand, the ASUW is not totally unchecked in its use of these fees mandatorily extracted from students. First, it must not exceed the statutory purposes discussed above. Second, it cannot become the vehicle for the promotion of one particular viewpoint, political, social, economic or religious.

The cases which the university relies upon to sustain mandatory student fees recognize the delicate balance between the rights of the dissenters who must finance controversial programs and the desirability of the university providing a forum for wide-ranging ideas. Yet these cases are premised on the proposition that there must be in fact a spectrum presented, not a single track philosophy. In *Veed v. Schwartzkopf*, 353 F. Supp. 149 (D. Neb. 1973), affirmed without opinion, 478 F.2d 1407 (1973), *cert. denied*, 414 U.S. 1135 (1974), the court said at page 152:

> Whether such activities in fact are educational in nature is for the Board of Regents to determine, subject only to the limitations that the determination be not arbitrary or capricious and that it not have the effect of imposing upon the student the acceptance or practice of religious, political or personal views repugnant to him or chilling his exercise of his constitutional rights.

class, would be reimbursed for present and past fees unlawfully or wrongfully collected cannot be answered at this stage. We point out that the status of this case as a class action is not before this court. There is only passing reference in the record to the determination and establishment of a class, as required by the rules, and we are unable to pass upon that issue.

Within the guidelines established by this opinion, the trial court should also determine whether the plaintiffs, or the class if properly established, are entitled to any reimbursement.

Finally, the trial court denied the plaintiffs' motion to compel answers to certain interrogatories. In view of our holdings herein, it appears that many of those interrogatories are pertinent and additional discovery may be justified. The trial court should evaluate the interrogatories, further interrogatories and additional discovery in light of this opinion.

This case is remanded to the superior court for further proceedings consistent with this opinion.

STAFFORD, C.J., and FINLEY, ROSELLINI, HUNTER, HAMILTON, WRIGHT, UTTER, and HOROWITZ, JJ., concur.

APPENDIX E

STUDENT PROGRAMS AND ACTIVITIES GUIDELINES

STATE OF WASHINGTON

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

319 Seventh Avenue
Olympia, Washington 98504

MEMORANDUM

January 29, 1975

TO: Campus and District Presidents
Deans of Student Services
Directors of Student Activities
CORP Representatives

FROM: Harold Heiner

SUBJECT: STUDENT PROGRAMS AND ACTIVITIES GUIDELINES

The attached guidelines realted to the services and activities fee were passed by the State Board at its January 23, 1975 meeting.

As you know, a task force has been working on the revision of these guidelines for well over a year under the chairmanship of Dr. Gene Curtis repreSencing the Washington State Student Services Commission. That task force included representation by students, deans of students, activities directors, state attorneys general, college presidents and the State Board staff.

You will note that these are guidelines and thus will become policy only when and if adopted by local boards of trustees. Some districts will likely change the "shoulds" to "shall" and adopt these guidelines directly, while others will modify them as necessary to better suit local conditions.

This copy is being sent to you as information at this time since it has been requested by several students and administrators. Official replacement pages for the Standard Policy and Procedures Manual will be mailed to you soon.

Please discuss implementation of this matter with appropriate campus personnel.

HGH:mam

3.40.00 GENERAL STATEMENT—STUDENT PROGRAMS AND ACTIVITIES

The following general policy and guidelines covering operations of student programs and activities by community college districts are provided as a means of facilitating an appropriate sharing of responsibilities and decision-making opportunities among the officially recognized student governmental organizations and the district boards of trustees or their designees who are accountable for effective administration of college functions.

RCW 28B.15.041 provides that the "services and activities fee shall be used as otherwise provided by law or rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the express purpose of funding student activities and programs of their particular institution".

It is expressly recognized that RCW 28B.15.041 grants to each local board of trustees the final authority to determine the permissible uses of the services and activities fees, consistent with the law. Therefore, these guidelines are intended to be statements of general policy which will serve as recommendations, as distinguished from rules and regulations which have the force and effect of law and involve sanctions for violations. Nevertheless, local boards are strongly urged to implement these guidelines at the district level. It is recommended that college districts currently operating in a manner inconsistent with sections 3.40.00 through 3.40.03 initiate actions to accomplish their orderly implementation no later than June, 1978.

The uses of services and activities fees will vary from district-to-district and from campus-to-campus, as well as from any given year to another.

Such diversity is to be viewed as consistent with the community college system and functions and should be encouraged within the parameters of these guidelines.

The value of the varied educational experience for students in program determination and budget development requires that students be involved in such developmental processes from inception to adoption. The process developed at each institution should recognize the unique qualities of the learning experiences available in each campus community and provide the recognized student government every possible opportunity to influence such program and budget decisions made by the board of trustees.

A yearly budget for the expenditure of services and activities fees in support of student programs should be prepared by the student governmental organizations, with the understanding that professional staff with direct responsibility for the conduct of student programs and budgets should have input in the development of that budget. Such a cooperative effort should culminate in a joint recommendation to the board of trustees. In the event that such agreement does not come about, the recognized student government should present its own program and budgetary recommendations directly to the board of trustees.

3.40.01 DEFINITIONS

To enhance the effective administration of student programs and activities and the fees assessed for such purposes, the following definitions are provided for the guidance of the college districts:

(1) "Student governmental organization" means the student association or similar body officially recognized by the board of trustees as the established representative of all students enrolled in any college or institute operated by the college district.

(2) "Student programs and activities" means functions recognized by the student governmental organization and formally authorized by the board of trustees.

3.40.02 GUIDELINES FOR OPERATING STUDENT PROGRAMS AND ACTIVITIES

The following guidelines are provided for the use of the district boards of trustees and student governmental organizations in establishing programs and activities and the appropriate uses of all revenue produced by assessing student "services and activities fees" as defined by RCW 28B.15.041 and/or other revenue produced by student activities or programs.

(1) Student programs and activities should be operated under regulations and procedures officially adopted by the district board of trustees.

(2) Regulations and procedures to be submitted to the board of trustees should be a cooperative effort between the student governmental organization and the professional staff having direct responsibility for the conduct of student programs and activities.

(3) The procedure developed for each campus should contain the following operational characteristics:

(a) Opportunities should be provided for all members of the campus community to submit budget proposals to the appropriate student budget committee.

(b) A yearly review and evaluation of existing and proposed programs as a regular part of the budgeting process.

i. Provision for implementing of new programs.

ii. Provision for discontinuance of existing programs.

(c) Cooperative establishment of revenue and expenditure levels.

(d) Initial responsibility for program prioritization, development, and preliminary budgeting should reside with the student governmental organization.

(e) Cooperative review and refinement of student governmental organization recommendations to the board of trustees.

(f) Provide the opportunity for the student governmental organization to present its program and budget recommendations to the board of trustees.

i. Refer back to the student governmental organization in the event that the board of trustees does not accept the proposed program and budget.

ii. Establish a process to resolve program and budget conflicts.

iii. Provide the opportunity for the student governmental organization to re-present its program and budget recommendations to the board of trustees.

(4) Following approval by the board of trustees of the programs and budget for expenditure of services and activities fee revenue, copies should be made available to interested parties.

(5) Funds collected or revenues produced by or through student programs and activities, or fee collections, should be deposited with and expended through the office of the chief fiscal officer of the college district and/or campus.

(6) Funds collected and expended in conjunction with student programs and activities are subject to the applicable policies, regulations, and procedures of district boards of trustees, the State Board, and the Budget and Accounting Act.

(7) With the expressed prior approval of the State Board and, when required, approval of the appropriate legislative body, services and activities fee revenue may be used to acquire real property and fund capital projects and may be used as matching funds for such purposes.

(8) When authorized and approved in a manner consistent with these guidelines, student services and activities fee revenue may be used for, but shall not be limited to, the additional following purposes:

(a) Social events, seminars, workshops, retreats, and conferences; student governmental organizations; professional consulting fees; clubs and societies; musical, dramatic, artistic and forensic presentations of an extracurricular nature; student publications and other mass media activities; tutorial services; day care centers; intramural and intercollegiate sports.

(b) Equipment, supplies and materials required for the operations of student programs and activities.

(c) Travel and per diem for students and professional staff members participating in student programs and activities.

(d) Premiums for liability and casualty insurance coverage for students serving in official capacities or participating in such programs and activities.

(e) Dues for institutional memberships in recognized student governmental or activities organizations; provided that the legality of such expenditure is first established in consultation with the legal advisor of the college.

(f) Salaries and compensation to students.

3.40.03 LIMITATIONS

(1) Salaries of professional employees in tenurable positions and permanent classified civil service employees should not be paid from services and activities fee revenue.

(2) Services and activities fees should not be used to fund programs, personnel, facilities, equipment and maintenance covered within the State Board allocation model.

APPENDIX F

BOB NAON, STAFF COUNCIL
SERVICES AND ACTIVITIES FEES

OFFICE OF PROGRAM RESEARCH
HOUSE OF REPRESENTATIVES
STATE OF WASHINGTON

October 29, 1975

MEMORANDUM

TO: MEMBERS OF THE HIGHER EDUCATION COMMITTEE'S SUBCOMMITTEE ON SERVICE AND ACTIVITIES FEES

FROM: BOB NAON, STAFF COUNSEL

RE: SERVICE AND ACTIVITIES FEES

The legislature in 1971 made comprehensive changes in Chapter 28B.15 RCW relating to college and university fees. HB 740, the vehicle for these changes, included a section which defined and provided for the charging of service and activities fees. These were to be:

> . . . fees, other than general tuition and operating fees, charged to all students registering at the state's colleges and universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the benefit of prospective, current or former students of their particular institution.

The bill was amended to provide that such fees be used only "for the express purpose of funding student activities and programs." The House Journal includes the following exchange between the amendment's sponsors:

> Mr. Smythe: "Representative King, the amendment reads for the 'express purpose of funding student activities and programs.' Could you, for the benefit of the House, define what you term 'activities and programs' that this would cover."
>
> Mr. King: "Well, I believe the intent here is that it be anything that is adopted by the student government (whatever government that is) and hopefully by the governing body in addition to it. It would include such things as their athletic programs (if they want to), their intercollegiate debate, their school dances--all the things that students do as part of their activity programs. In addition to that, I would believe that this amendment would cover the things necessary for the activities. I think it would be possible if the student government decided to build an intramural building, for example, as part of their activities program, and they were involved in it, that this would cover that also. I think the key thing is that it be related to a decision made by the students."
>
> Mr. Smythe spoke again in favor of the amendment.

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Representatives Bledsoe and Pardini spoke against the adoption of the amendment by Representatives King and Smythe, and Representatives Lysen and Maxie spoke in favor of it.

The amendment by Representatives King and Smythe was adopted on a rising vote.*

The section as amended was enacted into law and incorporated into the Washington Code as RCW 28B.15.041.

RCW 28B.15.041 was amended in 1973 in response to immediate and continuing needs expressed by state colleges and universities. For many years, capital improvements on state campuses had been financed by the issuance of revenue bonds. By Chapter 167, Laws of 1963, the use of "special student fees" was permitted in order to amortize the indebtedness incurred for the acquisition of dormitories hospitals, infirmaries, dining halls, and student activities buildings. "Special student fees" were generally held to include those fees described variously as student activity fees, student use fees and student building use fees.

RCW 28B.15.041, authorizing the collection of service and activities fees, appeared to unconstitutionally prohibit the application of student activity, use, and building use fees to the payment of principal and interest on outstanding bonded debt. It prohibited, in addition, the pledging of such fees to the payment of new bonds for facilities other than, perhaps, student activities buildings or the pledging of such fees to the payment of new bonds to be issued for the refunding or advance refunding at favorable terms of bonds originally issued for most kinds of capital improvements.

In view of the encountered problems, RCW 28B.15.041 was amended to provide that service and activities fees include "student activity fees, student use fees, student building use fees, special student fees or other similar fees" applied to bonded debt resulting from specified service-related capital improvements such as dormitories, hospitals and dining halls. The term "special student fees" as included in RCW 28B.10.300 was altered so as to provide for the use of service and activities fees. Such fees, it should be noted, may also be applied by boards of trustees or regents to institutional student loan funds for the needy as specified in RCW 28B.10.825.

The legislative history reviewed above suggests that, perhaps, legislative intent has inadvertently been intermeshed with so much brick and mortar. In other words, did the legislature originally intend to provide students with some degree of control with respect to a student activity fee and has this intent been clouded insofar as institutions may apply activity fees to fund building construction.

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*For more comprehensive review, see Appendix 1.

In examining the question of fee use, examination might be made of the required rules and regulations promulgated by state institutions in order to fund student activities and programs including the above discussed debt funding. It might be examined, further, whether these institutions are applying "service and activities" fees to fund only those student service-related buildings specified in RCW 28B.10.300 and student activities and programs specified by RCW 28B.15.041 consistent with the law; for example, an institution would appear to be unable to apply student fees toward academic programs.

BN:kph

APPENDIX 1

"SERVICES AND ACTIVITIES FEES" AMENDMENT

RCW 28B.15.041 "Services and activities fees" defined (as amended by 1973 1st ex.s. c 46 § 1). The term "services and activities fees" as used in this chapter is defined to mean fees, other than general tuition and operating fees, charged to all students registering at the state's community colleges, state colleges, and universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's community colleges, state colleges or universities for the express purpose of funding student activities and programs of their particular institution. 1973 1st ex.s. c 46 § 1; 1971 ex.s. c 279 § 3.

DEBATE

FORTY-SEVENTH DAY, APRIL 27, 1971

SECOND READING

HOUSE BILL NO. 740, by Representatives Lynch, Kopet, Goldsworthy and Curtis: Implementing law relating to fees of state's colleges and universities.

MOTION

On motion of Mrs. Lynch, Substitute House Bill No. 740 was substituted for House Bill No. 740, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 740 was read the second time.

Mr. Barden moved adoption of the following amendment:

> On page 3, section 3, line 18 after "for the benefit of" strike "prospective, current or former" and insert "current"

Mr. Barden spoke in favor of adoption of the amendment and Mrs. Lynch spoke against it.

Mr. Barden spoke again in favor of the amendment and Mr. Douthwaite spoke against it.

The amendment by Mr. Barden was not adopted.

Mr. King moved adoption of the following amendment by Representatives King and Smythe:

> On page 3, section 3, line 18 following "for the" strike all the material down to and including "students" on line 19 and insert "express purpose of funding student activities and programs"

Representatives King and Smythe spoke in favor of adoption of the amendment, and Representative Lynch spoke against it.

POINT OF INQUIRY

Mr. King yielded to question by Mr. Smythe.

Mr. Smythe: "Representative King, the amendment reads for the 'express purpose of funding student activities and programs.' Could you, for the benefit of the House, define what you term 'activities and programs' that this would cover?"

Mr. King: "Well, I believe the intent here is that it be anything that is adopted by the student government (whatever government that is) and hopefully by the governing body in addition to it. It would include such things as their athletic programs (if they want to), their intercollegiate debate, their school dances--all the things that students do as part of their activity programs. In addition to that, I would believe that this amendment would cover the things necessary for the activities. I think it would be possible if the student government decided to build an intramural building, for example, as part of their activities program, and they were involved in it, that this would cover that also. I think the key thing is that it be related to a decision made by the students."

Mr. Smythe spoke again in favor of the amendment.

Representatives Bledsoe and Pardini spoke against the adoption of the amendment by Representatives King and Smythe, and Representatives Lysen and Maxie spoke in favor of it.

The amendment by Representatives King and Smythe was adopted on a rising vote.

APPENDIX G

INSTITUTIONAL RESPONSES TO CPE INQUIRY

REGARDING POLICIES AND PRACTICES

IN BUDGETING STUDENT SERVICES

ACTIVITIES FEES

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98195

December 9, 1976

Dr. John R. Hogness, President
University of Washington
301 Administration AH-30

Dear Dr. Hogness:

In response to your request for information about the policies and practices of the Services and Activities Fees Committee, we have been able to assemble the following information.

The committee follows State laws with respect to the establishment and use of Services and Activities Fees, including interpretations provided by the State Attorney General's Office, its own guidelines and the advice of its ex officio members (both administrative and faculty) when making recommendations on student service program requests. Perhaps the most definitive guidelines are contained in a 1971 State Attorney General opinion stating that employee salaries may be paid only to the extent that said persons are engaged in student activities and programs and their activity is not part of the normal maintenance and operation of the university. Also, expenditures which are made for the support of activities and/or programs in which the student government has some degree of participation are acceptable. Funding for special tutorial and curriculum development activities do not fall under the Services and Activities Fee since, though these programs may be innovative, they are designed to carry out the fundamental educational objective of the institution. One attorney general's opinion provides "... the role of student government under the act falls within the definitional area (i.e., what is or is not a student activity or program) and not the area of budgeting or fund allocation. Thus, the absence of student involvement in a given activity may well disqualify that activity for funding from the Services and Activities Fee. On the other hand, only the board of trustees or regents has the authority to allocate the funds generated by these fees to those activities and programs which do qualify."

In addition, the committee follows certain implicit procedures when evaluating proposals. These are: 1) the number of students who will be served, as opposed to the number of faculty and staff (the committee periodically received usage surveys from existing programs); 2) services

deemed by students to be essential to a student's ability to attend class, but which have not been recognized as such by the administration; 3) the sentiment of the campus population as far as student desires are concerned (the committee recently sponsored a survey of students on what they would like to have funded with the Services and Activities Fee); and 4) that proposals are made by students to serve their needs (it is important that the proposal be student initiated).

The committee is currently providing funding to operate the following programs:

Program	1976-77 Budget	% of SAFC Budget
Sports Recreation Programs	$488,244	30%
Student Unions	452,326	28
Health Center	267,304	17
Child Care	187,594	12
Student Activities Admin.	129,395	8
Ethnic Cultural Center	64,322	4
Graduate Student Senate	15,000	1
SAFC Operations	400	

The committee is also paying debt service of about $1.4 million on a new south campus student center, a sports recreation facility, an office building which houses student registration and financial aid offices, and is just completing renovation of $8 million on another student union center and the health center. It has also paid for the renovation of various sports fields and facilities.

I trust the above information is responsive to your request; please contact me if you have any questions.

Sincerely,

Constance Proctor

Constance Proctor
Chairperson
Services and Activities Committee
University of Washington

VI. Standing Committees

A. Finance Committee

Services and Activities Fees

At the meeting of the Board of Regents on June 23, 1972, the Finance Committee of the Board of Regents submitted the following statement with regard to expenditures of the Services and Activities Fees:

> The Finance Committee has discussed the matter and concludes that the authority to allocate student services and activities fees rests by law with the Board. The Board of Regents likewise has authority to determine those projects which shall be eligible under the law for funding from these fees. The Board of Regents' delegation to the President in the Standing Orders encompasses the authority to make recommendations to the Board for expenditures from the services and activities fees, and the administrative process, described in the March 1971 and April 1972 reports to the Board of Regents, provides a suitable channel for consultation. The President has reported that with the assistance of his staff, discussions will be pursued with students as to ways to improve the administrative process through broader consultation with students concerning expenditures from the student services and activities fee.

In accordance with this statement, staff discussions have been held with the President of the ASUW and the President of the GPSS which have led to a restatement of the organization of the Committee on Services and Activities Fees and a change in the procedures of operation of that Committee. The Committee has now been clearly established as an advisory committee to the University Budget Committee on all expenditures for both operating support and capital construction to be financed from the services and activities fees. The revised organization provides for broader representation of students on the committee membership and a clearer assignment of responsibility to the students to provide advisory recommendations to the University Budget Committee and from there to the President and the Board of Regents on these matters.

Committee on
SERVICES AND ACTIVITIES FEES

I. Services & Activities Fees

Services and Activities Fees have been defined in Section 3, Ch. 279, Laws of 1971, Ex. Sess., as "fees, other than general tuition and operating fees, charged all students registering at the state's colleges and universities. . ." which shall ". . .be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the express purpose of funding student activities and programs of their particular institution.".

By previous enactment (RCW 28B.10.300) the legislature authorized the expenditure of "special student fees" for the amortization of the cost of the construction, equipping, etc., of buildings and facilities for student activities and services.

By statute (RCW 28B.15.200), the minimum services and activities for full-time resident students is $37.00 per quarter, ~~except summer quarter~~. Legislative intent, as reflected in the computation of the 1971-1973 operations budget, makes the $37.00 amount the maximum as well. The Board of Regents has formally allocated the total fee for full-time students, both resident and non-resident, as follows:

ASUW Activities (including GPSS funding)	$2.50
Student Publications	1.00
~~HUB Expansion Bonds~~	~~1.00~~
HUB Maintenance and Equipment Reserve	.25
Short-term Student Loan Fund	1.00
Student Activity Facilities (IMA Building Bonds)	3.75
Student Facilities (capital or operations)	~~27.50~~ 28.50
	37.00

Five percent of the fees paid by part-time students are allocated by the Board of Regents to the Student Facilities component.

II. Committee on Services and Activities Fees

The Committee on Services and Activities Fees (herein after called Committee) is a committee appointed by the President of the University to review all requests for support from the services and activities fees, both capital and operations, serving in an advisory capacity to the University Budget Committee. The University Budget Committee, in turn, may seek the views of other affected University groups as to the recommendations of the Committee (such as the Capital Construction Board), and makes its recommendations to the President of the University, who then makes his recommendations to the Board of Regents.

A. Number of Members-Representation and Chairperson

The committee shall consist of seven voting members and five ex-officio members entitled to cast an advisory ballot. The voting

members shall be students, four recommended by the ASUW and three recommended by the GPSS. In making their recommendations for committee appointments, the ASUW and GPSS should strive for a committee that is broadly representative of the entire student body considering student level, academic discipline, and other characteristics of the student body. Three of the ex-officio members shall be from the administration, representing the offices of the Vice President for Business and Finance, the Vice President for Planning and Budgeting, and the Vice President for Student Affairs; and two shall be from the faculty.

The faculty representatives will be nominated by the Chairperson of the Faculty Senate. It is recommended that one of the faculty representatives be from the Faculty Council on University Facilities and Services and one from the Faculty Council for Student Affairs.

The voting members of the committee shall recommend members of the Committee to the President for his selection of the chairperson of the committee.

B. Term of Membership

The terms of membership are set to promote continuity of participitation.

The administrative members shall be appointed to an indefinite term, serving at the pleasure of the President of the University. The faculty representatives will be appointed to one year terms.

The student members shall be appointed for two year terms, staggered in such a way that not more than four terms shall expire in any year.

The term of appointment will be from July 1 to June 30.

Vacancies will be replaced in the same manner as provided for new appointments, for the unexpired term of the original appointment.

C. Advisory Responsibilities and Procedures

1. All Services and Activities Fees

At the beginning of each biennium, a status report projecting income and expenditures from the entire Services and Activities Fee (including the budgets for the seven component fees mentioned in part I) shall be provided to the Committee by the Budget Office. The Committee may send comments on this report to the University Budget Committee.

As long as revenue and expenditures from the seven components remain within the projected budget levels, the Committee shall concern itself primarily with capital and operating requests for new projects for those portions of the Services and Activities Fee designated as "Student Activity Facilities" which can be used only for capital purposes and "Student Facilities"

which can be used for capital or operations. (Hereinafter all mention of Services and Activities Fees will refer to only that portion of Services and Activities Fees designated as "Student Activity Facilities" and "Student Facilities").

2. Services and Activities Fees (Student Activity Facilities and Student Facilities)

The Committee will review all capital requests and operating requests for Services and Activities Fees. The Committee shall send its recommendations to the University Budget Committee which may then refer these recommendations to the Capital Construction Board or other appropriate bodies prior to acting on them.

The Committee shall be kept informed of the funding level of all projects and of the "cost of living" increases of the ongoing operating budgets.

The Committee's recommendations shall be required before funding will be recommended for new projects, for existing programs not now funded by Services and Activities Fees, or for major increases in existing programs funded by Services and Activities Fees.

Should the recommendations of the University Budget Committee differ from those of the Committee, the Committee recommendations shall also be reported to the President and ultimately to the Board of Regents.

When a Committee decision is not unanimous, minority opinions (including minority opinions from the ex-officio members) may be reported by the dissenting member(s) to the University Budget Committee, and to the President.

D. Committee Operating Procedures

1. Meetings

a. Meetings shall be held on a regularly scheduled basis.

b. Special meetings shall be called by the Chairperson of the Committee on his/her own initiative or:

1) At the request of the Chairman of the University Budget Committee.

2) At the request of three or more members of the Committee.

c. A basic responsibility of the Committee is to provide full information to the campus community (especially the students)

concerning projects funded from the Services and Activities Fee. To achieve this objective, the Committee shall arrange to hold hearings on major issues presented to it. The Committee shall give adequate notice to the campus community through such devices as the Daily, Official Notices, and special communications to any portion of the University community especially affected.

d. Notice will be sent to members with agenda at least five days in advance of regular meetings and three days in advance of a special meeting.

e. A quorum shall consist of five voting members of the Committee, and two ex-officio, one from the administration and one faculty member.

f. All meetings shall be conducted in accordance with "Sturgis Standard Code of Parliamentary Procedure", second edition.

2. Requests for Operations or Capital Funding

a. All requests shall be submitted in writing to the Chairperson who will review them to insure that adequate information is provided.

b. All requests received shall be so listed by title and source in the next agenda for a regular meeting.

c. Any request so listed may be called for under new business by any member.

d. Copies of all requests will be distributed to all members of the Committee in advance with the agenda for the meeting at which the request will be considered.

e. Any member of the University campus community may submit a request.

f. Consideration of a request will be by motion and vote taken; a majority of those present is necessary for approval by the Committee of a project.

g. The Chairperson shall transmit all recommendations of the Committee (including reports on any dissenting opinions) for a project to the Chairman of the University Budget Committee.

h. The University Budget Committee shall not take any action not in conformity with a recommendation of the Committee without affording the Chairperson the opportunity to appear before it to defend the Committee action or to supply additional information.

i. Informational copies of all recommendations shall be sent to the requesting source, to the Department of Facilities Planning and Construction (in the case of capital requests), and to the Budget Office.

j. The Committee should be informed of the progress and should review each Services and Activities Fee funded project at each stage requiring administrative decision (e.g., following the Programming Committee report, and at the presentation of Schematic Plans, Preliminary Drawings, and Working Drawings).

k. Projects approved by the Committee may not be started until the budget has been approved by the Board of Regents.

3. Additional Responsibilities of Chairperson

a. Calling and presiding over meetings. (Designating an acting chairperson in the absence of the chairperson).

b. Being informed of all projects committed, approved or pending.

c. Being informed of the financial position of Services and Activities Fee account, including reviewing the quarterly financial report prior to its release.

d. Issuing an annual report of the Committee activities.

4. Staff Assistance

Information, background material, and staff help will be provided by the following:

a. Business and Finance office.

b. Comptroller's office.

c. Facilities Planning and Construction office.

d. Planning and Budgeting office.

e. Graduate and Professional Student Senate.

f. Associated Students University of Washington.

g. Student Affairs Office.

WASHINGTON STATE UNIVERSITY
PULLMAN, WASHINGTON 99164

EXECUTIVE VICE PRESIDENT

December 9, 1976

Mr. Carl C. Donovan, Deputy Coordinator
Council for Postsecondary Education
908 East Fifth Street
Olympia, Washington 98504

Dear Mr. Donovan:

In reply to your letter pertaining to Services and Activities Fees at Washington State University, I am providing the following information.

This institution is at the legal limit of $110.00 for the year, which has been established by the Legislature. These funds, generated through the Student and Activities fees, are allocated by the Regents as follows:

	Per Semester
Athletics (students receive tickets to athletic contests)	$11.00
ASWSU	3.00
Wilson Compton Union	6.50
Evergreen	1.75
Facilities Fee	30.50
Alumni	1.00
Associated Women Students	.25
Loan Fund	1.50

These allocations cover all of the funds from this source. Changes in the above only come through reallocations or through an increase in fees by the Legislature.

The programs and activities, including capital expenditures, eligible for receipt of Student and Activities funds are related in whole, or in large part, to student activities and needs.

We now have a Services and Activities Fee Committee, which is meeting regularly and reviewing this general area to determine whether changes should be made.

With respect to the specific question about bonding commitments, it is our intention to have prior review and recommendation by the Student and Activities Fee Committee before additional commitments are made.

None of the programs covered by the Student and Activities fees are part of academic programs, neither are they included in State formulas.

It is clear from the experience of the various agencies supported by Student and Activities fees that there is need for an increase in fees. While increased enrollments provide some increased funds, the increases through this source do not offset inflation.

Sincerely yours,

W. Beasley
Vice President

WB/nd

SERVICES AND ACTIVITIES FEE COMMITTEE

The Services and Activities Fee Committee will be a President's Standing Committee of Washington State University, effective February 1976.

I. Purpose

A. The Committee will recommend the allocation of the student Services and Activities fees to the Board of Regents, through the President of the University.

B. Review the fee structure annually to:
   1) determine if existing and planned programs meet student needs
   2) identify those needs which are not being met.

C. Insure that expenditures of the fee are in agreement with state law and University policy.

II. Composition

The Services and Activities Fee Committee shall be composed of:

A. Five undergraduate students appointed by the ASWSU President, with approval of the ASWSU Assembly. Each term will be two years and will be staggered so no more than four vacancies appear per year.

B. Two graduate students appointed by the GPSA President, with approval of the GPSA Senate. Each term will be two years and will be staggered so one vacancy will appear per year.

C. One faculty member (Resident Instructional Staff or other) appointed by the University President. The faculty member's term shall be for two years.

D. The Vice President of Student Affairs, Vice President of Business and Finance, and the Executive Vice President of the University (or his/her designee). Each Vice President or designee shall be a permanent member of the committee. The individual terms shall be from commencement to commencement.

E. A student selected from the membership each year shall serve as chairperson for that year.

III. Reports

A. Services and Activities Fee Committee will report to, and make recommendations through the President of the University to the Board of Regents. Copies of the report will be distributed to interested members of the University community (to include the ASWSU and the GPSA). Upon request, the President will arrange for members of the committee to have direct access to the Board of Regents during preliminary discussions of the Committee's report or at the time of the President's report.

CENTRAL WASHINGTON STATE COLLEGE | ELLENSBURG, WASHINGTON
98926

November 8, 1976

Mr. Carl Donovan
Council for Postsecondary Education
908 E. 5th
Olympia, WA 98504

Dear Mr. Donovan:

Enclosed is a copy of a memorandum dated October 25, 1976, that I sent to the committee and budget administrators for joint student fees. Please note the revised structure for budgetary responsibility of student fees at Central. Essentially, the Joint Student Fees Committee will make recommendations to the Dean of Student Development in lieu of the Vice President of Academic Affairs.

Therefore, my letter of June 22, 1976, addressed to Representative Peggy Maxie, in response to House Floor Resolution No. 76-66 concerning the use of services and activities fees, should be revised to replace the title, Vice President of Academic Affairs, anywhere it appears, with the title, Dean of Student Development.

You have inquired about student input regarding the sale of bonds whenever using student fees as a support base. If funds from joint student fees are proposed for bonding, the decision would be handled similar to any other fiscal matter, i.e., the joint student fees committee (four students and three faculty members) would be involved. However, the student government would also be involved in a direct way, and I doubt if any action would be taken without their strong support. Indeed, the last time this was done, they proposed the action, eventually making presentations to the trustees, helping select the architect, etc.

If you need further information, please let me know.

Sincerely,

James E. Brooks

James E. Brooks
President

bd

Enc.

AN EQUAL OPPORTUNITY EMPLOYER

M E M O R A N D U M

TO: Dr. Harrington, Vice President for Academic Affairs
Dr. Guy, Dean of Student Development
Mr. Jones, Vice President for Business & Financial Affairs
Mr. Eberhart, Director, Business Services and Contracts
Mr. Drinkwater (for BOC distribution)
Mr. Beamer, Athletic Director
Mr. LaBay, Academic Accountant
Joint Student Fees Committee

FROM: President Brooks FB

DATE: October 25, 1976

RE: Change in Budgetary Responsibility for Joint Student Fees

The budgetary responsibility for the Joint Student Fees has been transferred from the Vice President for Academic Affairs to the Dean of Student Development. Requests for expenditures from the Joint Student Fees should be submitted to Dr. Guy instead of Dr. Harrington. The revised structure for budgetary responsibility is as follows:

Trustees
|
President
|
Dean of Student Development
|
Joint Student Fees Committee
|
Various Budget Administrators

cc: Board of Trustees

CENTRAL WASHINGTON STATE COLLEGE | ELLENSBURG, WASHINGTON 98926

June 22, 1976

Representative Peggy Maxie, Chairman
Higher Education Committee
House of Representatives
Olympia, Washington 98504

Dear Representative Maxie:

This letter is in response to House Floor Resolution No. 76-66 concerning the use of services and activities fees.

Central Washington State College observes the provisions of the state law that defines how the various categories of fees may be utilized. In addition, the use of the services and activities fee ("special fee") is subject to the approval of our Board of Trustees after this process has been followed:

A. A "Joint" Student Fees Committee (consisting of four students and three faculty), chaired by a student, reviews projected income with the accountant and receives and hears budget requests from various campus groups. The student appointments to the Joint Student Fees Committee are made by the Associated Students of Central Joint Committee on Committees, and the three faculty members are appointed by the Faculty Senate.

   Those who are appointed to the Joint Student Fees Committee cannot be from "user" academic departments or student organizations. For example, because intercollegiate athletics operations are subsidized by this budget, representatives from that area are not appointed to the committee. Indeed, student Board of Control members are not appointed for the "BOC" is also a "user" in that its salaries, travel budgets and programs are funded from this budget.

B. The Committee begins its work for the new fiscal year starting July 1, at the beginning of each spring quarter (late March-early April). Its hearings are public and well advertised.

C. The Committee develops a preliminary budget which it recommends to the Vice President for Academic Affairs. The Vice President for Academic Affairs has the responsibility of checking the basis for the proposed income levels and coordinating the proposed expenditures

AN EQUAL OPPORTUNITY EMPLOYER

with other college budgets, preventing duplication. In addition, he must assure that all bond payments will be met. The President of the College may be consulted at any time individually or jointly by the Vice President for Academic Affairs and the Joint Student Fees Committee.

D. The Vice President for Academic Affairs then submits a proposed budget to the college President, sending copies to the Joint Student Fees Committee and the chairman of the Student Board of Control and the Faculty Senate. The Committee and the Chairmen are invited to review the proposal with whomever they wish and to send their evaluations to the President.

E. The President submits to the Board of Trustees his budget recommendations accompanied by those of the Joint Student Fees Committee, the Academic Vice President and any responses he has received from the Chairmen of the Faculty Senate and the Student Board of Control, after he consults with the Joint Student Fees Committee and the Vice President for Academic Affairs.

F. The Board of Trustees acts upon the recommendations presented by the President. The Vice President for Academic Affairs may speak during this meeting, as may the Chairmen of the Student Board of Control and Faculty Senate who sit at the table with the Board of Trustees.

If you need them, we can forward to you a copy of the Associated Students of Central by-laws which provide for the Joint Committee on Committees, a copy of our academic fees distribution and a copy of our budget recommendation sheets.

I believe that the process described above not only meets the intent of House Floor Resolution No. 76-66 but satisfies the requirement placed on the college administration and the Board of Trustees that these state funds be properly supervised and accounted for. Until we are relieved of such responsibility such a process is absolutely necessary.

We would be pleased to provide further information if it is needed.

Sincerely,

James E. Brooks
President

cc: Board of Trustees
99
Mr. Pat Callan, Council for Postsecondary Education
CWSC Student Board of Control
Mr. John Drinkwater
Dr. Edward J. Harrington

The Student Services and Activities Fees will be divided into two categories:

1. Associated Students Fees, in an amount equal to 60% of estimated revenue after bond payments.
2. Departmentally-related fees in an amount equal to 40% of estimated revenue.

I Associated Students

The A.S. President will make recommendations to the A.S. Legislature which will recommend allocation of Associated Student Fees to the President of the College, who will transmit the Legislature's recommendations to the Board of Trustees.

II Departmentally-related

A. A committee composed of five members of the ASEWSC Legislature's Financial Affairs Committee, five faculty members from departments which receive no funding from Services and Activities fees revenue, selected by the Academic Senate, the ASEWSC Business Manager (ex officio non-voting), the Vice President for Student Services or his designee (ex officio non-voting), the ASEWSC President (ex officio non-voting), and the Vice President for Business Affairs or his designee (ex officio non-voting), will hear all budget requests (replace the current S & A Committee) and make its recommendations, along with the ASEWSC President's recommendations, to the ASEWSC Legislature. The committee shall elect a chairman to serve at its pleasure and operate under Robert's Rules of Order.

B. The ASEWSC Legislature will vote a set of recommendations which will go to the College President, who will transmit them to the Board of Trustees, along with the committee's final recommendations.

III Reclassification of Budgets

A. No budget may be reclassified from Departmentally-related budgets to Associated Students revenue related budgets or vice versa, without the corresponding percent of S & A Fees transferred accordingly.

B. The A.S. Legislature may, with approval of the Board of Trustees, adjust the percent distribution of S & A Fees to meet increased or decreased need, in either budget category.

C. The A.S. Legislature may recommend to the Board of Trustees classification of any and all new budgets which may arise.

IV Adjustment of Budgets During a Fiscal Year

A. If actual revenue from S & A Fees should exceed the budget estimate, the excess over the estimate will be divided in the same 60% - 40% ratio as provided for above. The Legislature as established above may make recommendations for additional allotments from excess revenue.

B. If it should appear during a fiscal year the S & A Fee revenues will fall below the budget estimate, the Vice President for Business & Management shall notify the ASEWSC President and ASEWSC Speaker, and

the ASEWSC Legislature shall recommend budget reductions in the same 60% - 40% ratio as provided for above to bring the budgets in their respective areas into balance with revised revenue estimates.

V The recommendations will be presented to the BOT by the College President, who may not alter them but may present additional recommendations.

VI Bonds
The A.S. Legislature may make recommendations on the payment of Service and Activities Fee bonds and bond renegotiation to the Board of Trustees.

700.10.00 RELATIONSHIP BETWEEN THE ASEWSC AND BOARD OF TRUSTEES OF EWSC

11.00 The Board of Trustees Authority. RCW 28B.40.100 rests in the Board of Trustees of Eastern Washington State College "the government" of the college. RCW 28B.40.120 (1) provides that the Board of Trustees "shall have full control of the state college and its property of various kinds" and RCW 28B.40.120 (11) provides that the Board "may promulgate such rules and regulations, and perform all other acts not forbidden by law, as the Board of Trustees may in its discretion deem necessary or appropriate to the administration of the college." RCW 28B.10.528 states, "The governing board of institutions of higher education shall have power, when exercised by resolution, to delegate to the president or his designee, of their respective university or college, any of the power and duties vested in or imposed upon such governing board by law. Delegated powers and duties may be exercised in the name of the respective governing boards."

12.00 The Role of the ASEWSC. For more than 60 years, the students of Eastern acting through a self-governing association, have played an important role in the life of the college and its development. Historically, those decisions which determine the content of the program of student activities have been left to this organization. The Board has recognized that such content may change in character and emphasis from one college generation to the next and for this reason has consistently sought to permit the Association as much autonomy as is consistent with the Board's legal responsibility for the government of the college. A degree of autonomy has also been viewed as important to encouraging as well as facilitating the healthy development of experience and initiative in self government.

13.00 The Associated Students. The Associated Students of Eastern Washington State College (ASEWSC) operate as an unincorporated association, and as such is recognized by the Board of Trustees for providing a framework for the development of a program of student activities in which student responsibility may find expression.

14.00 The Legal Relationship between the Board of Trustees and the Associated Students.

14.10 General. The Board of Trustees delegates to the ASEWSC the authority to provide specialized student services, various social and recreational activities, and facilities for the benefit of the students and of the entire college community. The recognition of the Association by the Board in no way diminishes either the public nature of the authority delegated nor the Board's responsibility for assuring that activities undertaken within the scope of such authority conform to policies established by it or by the legislature of the State of Washington.

700.14.11 Funding and use of College Facilities. The Board of Trustees, having delegated to the Associated Student certain functions relating to student activities, financially supports the Associated Students by allocating to it monies derived from fees which it assesses against all students under the authority of RCW 28B.15.400. Such funds, as well as College facilities made available for Associated Student use, are public in nature. The Associated Student's use and management of all such public funds and facilities are subject to the statutory and constitutional limitation to which all such funds and facilities are subject and, in addition, to college rules and the Associated Students constitution.

15.00 Guidelines to Help Define the Relationship between this ASEWSC and the College.

15.10 The allocation to the ASEWSC of funds from student fees, to be managed and distributed for student activities, is by approval and authorization of the Board of Trustees, and such allocation may be modified in whole or part by the Board at any time subject to limitations imposed upon the Board by bond indentures. Contracts with agencies outside the college involving student fee funds require prior approval by the College Vice President for Business and Management. The College and state will regularly audit all ASEWSC fiscal operations. Student fee funds are state funds and are subject to state regulations.

15.20 The Pence Union Building is, as all other college buildings, owned by the State of Washington. Responsibility for setting operating procedures for the building rests with the Student Union Board. The operating procedures and practices are subject to state regulations and will be monitored by the Vice President for Student Services or his designee.

15.30 The student Constitution and Conduct Code have been endorsed by the Associated Students Legislature and approved by the Board of Trustees, and any substantive changes require the same approval.

15.40 The Vice President for Student Services is the direct liaison of the administration with the ASEWSC. He may delegate specific liaison responsibilities to other administrative, faculty, or staff members. He is responsible for interpretation and application of College policies in respect to ASEWSC activities (except for the Vice President for Business and Management's responsibility for fiscal matters involving state funds).

15.50 Actions and recommendations of the ASEWSC legislature affecting institutional policies or procedures and requiring Board of Trustees attention will be referred to the President of the College for transmittal to the Board. Recommendations affecting other segments of the college community (faculty, administration, classified staff, etc.) will require input from the affected party before being put on the Board agenda.

WESTERN WASHINGTON STATE COLLEGE

BUDGET PROCEDURES FOR SERVICE AND ACTIVITIES FEES

Service and Activities fees are expended at Western in the following areas:

A. Housing & Dining -- These activities include Bond Redemption, Maintenance of Housing Facilities, Counseling Activities within Residence Halls, Operation of Housing and Dining Facilities including Residence Halls, Student Union and other student-operated properties.

B. Associated Student Government Activities -- These activities include the Administration of the Viking Student Union and recreational facilities, Associated Student Government, Activities Council (including radio station, concerts, lectures and film series), Recreation and Outdoor Program, Services Council (including legal aids, sex information, Hand-in-Hand Tutorials, etc.) and general student activities including club sports, special interest clubs, organizations, etc.

C. Departmentally Related Activities -- These activities include in Physical Education -- Men's and Women's Athletics and Intramurals; in Speech -- Forensics; in the College of Fine and Performing Arts -- Theatre and Dance, Music (including choir, band and orchestra); in Journalism -- the College paper, quarterly magazine, and annual journal.

Procedures for expenditure of these funds are as follows:

A. Housing and Dining -- Bond redemption has been established at $25.00 per capita per full time student per quarter by bond resolution. In addition, another $6.00 per capita has been established by the Board of Trustees to be allocated for bond redemption.

Early in January of each year deliberations in the developing of the Housing and Dining budgets are started with the representatives from the Housing staff, the Office of the Vice President for Student Affairs, and the Viking Union. These recommendations are then reviewed by the student Inter-Hall Council, and the Student Activity Facilities Committee before overall review by the Housing and Dining Advisory Committee whose membership is at least 50% students. Open hearings are held and final recommendations are forwarded to the All-College Governance system that includes student representation at the Business and Finance Council level and at the All-College Senate.

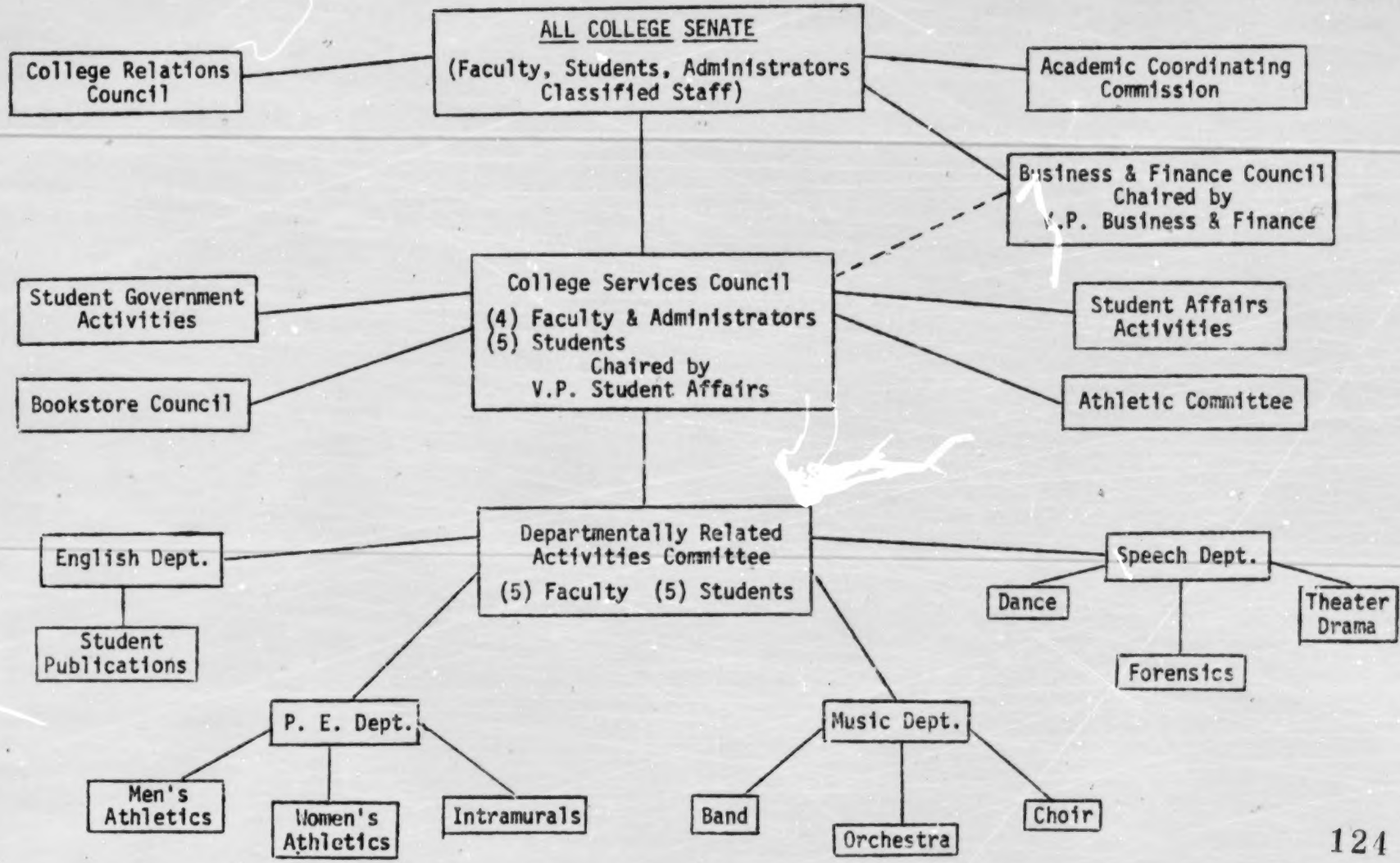
B. Associated Student Government Activities -- In February or early March of each year the Associated Student Government evaluates its programs and asks that any new program areas who might desire funding submit requests. The requests are evaluated by the Student Government and an eventual budget request is formulated. Open hearings are held throughout this budgeting process.

C. Departmentally-Related Activities -- At the same time as the Associated Student Government is deliberating on budgets, the Departmentally Related Committee, which is made up of 50% students and 50% faculty, is reviewing the various programs and evaluating new programs while working on budget requests for the coming year.

After the Associated Student Government and the Departmentally Related groups have completed their preliminary budget requests and when the formal estimate of anticipated revenue has been supplied by the College Budget Office, an ad hoc committee composed of one student and one staff member appointed by the Associated Student Government and one student and one faculty member appointed by the Departmentally Related Committee meet with the Vice President for Student Affairs to negotiate a recommended distribution of service and activities fees. After ratification by the two major groups of the ad hoc committee's recommendation, it is then forwarded through the College Governance system to the College Services Council, which has a majority of student membership, and thence to the College Senate.

Presently a review of the expenditure and distribution of service and activities fees is being held under the auspices of a sub-committee of the College Services Council. An attempt is being made to establish a budgeting base for the 1977-79 biennium in order to avoid an annual overall budgeting process to distribute service and activities fees. Each area, however, will continue to operate under the established procedures for distribution of the service and activities fee money that is allotted to them on an annual basis.

Approved by College Services Council, 10/20/76
Approved by All-College Senate, 10/26/76
Approved by Board of Trustees, 11/8/76


ALL COLLEGE SENATE
(Faculty, Students, Administrators Classified Staff)
College Relations Council
Academic Coordinating Commission
Business & Finance Council Chaired by V.P. Business & Finance
College Services Council
(4) Faculty & Administrators
(5) Students
Chaired by V.P. Student Affairs
Student Government Activities
Bookstore Council
Student Affairs Activities
Athletic Committee
Departmentally Related Activities Committee
(5) Faculty (5) Students
English Dept.
Student Publications
Speech Dept.
Dance
Theater Drama
Forensics
P. E. Dept.
Men's Athletics
Women's Athletics
Intramurals
Music Dept.
Band
Orchestra
Choir

COLLEGE SERVICES COUNCIL

1 student	Business Manager, Associated Students
1 "	Position #5, Associated Students Board of Directors
1 "	At Large, appointed by President of Associated Students
1 "	At Large, appointed by President of Associated Students
1 "	Member of Departmentally Related Committee
1 faculty	Member of Departmentally Related Committee
1 "	At Large, appointed by Faculty Council
1 administrator	Appointed by Administrators Association
1 "	Student Affairs staff, appointed by Vice President for Student Affairs
Chairman	Vice President for Student Affairs (non-voting)

HOUSING AND DINING ADVISORY COMMITTEE

1 student	Chairman of Interhall Council
1 "	Appointed by President of Associated Students
1 "	Appointed by AS Board of Directors
1 "	Appointed by Interhall Council
1 "	Appointed by Fairhaven Council
1 "	Appointed by students living in College apartments
1 "	Member of Residence Hall staff, selected by Residence Hall staff
1 faculty	Appointed by Committee on Councils and Committees
1 administrator	Director of Residence Hall Programs
1 "	Student Affairs staff, appointed by Vice President for Student Affairs
Chairman	Director of Housing

DEPARTMENTALLY RELATED COMMITTEE

The Departmentally Related Committee is made up of the directors of each of the areas listed as departmentally related, i.e., Men's and Women's Athletics, Forensics, Intramurals, Music, Publications, Theatre/Dance. In addition, the participating students within each of these areas select a student to represent their area. The total make-up of the Committee is seven (7) faculty or staff and seven (7) students.

Excerpt from "Board of Trustees, WWSC, Resolution Establishing WWSC Housing and Dining System Authorizing Sale of Refinancing and Refunding Bonds In the Amount of $8,249,000 - Adopted December 17, 1965"

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"Section 1. There is hereby created and established The Western Washington State College Housing and Dining System (hereinafter called "the System"), which shall consist of

a. The existing dormitories of the College: Ridgeway, Phase I (Alpha, Delta, Omega and Sigma); Ridgeway, Phase II (Kappa Theta); Higginson Hall, Upper Highland Hall, Lower Highland Hall, Edens Hall North, Edens Hall South, and Ridgeway Dining Hall.

b. Existing student activities center, known as Viking Union, and Viking Commons, a dining hall.

c. Ridgeway Dormitories, Phase III (two dormitory buildings) and an addition to the existing Ridgeway Dining Hall.

d. Lands, buildings and facilities for dormitory, hospital, infirmary, dining, student activities, vehicular parking and student, faculty and employee housing and boarding purposes, which may be acquired, constructed and installed by the College in the future and added to the System and the acquisition, construction and installation of which shall be financed from rentals, fees, charges and other income derived through ownership, operation and use of the System and from special student fees pledged for payment of principal and interest of bonds or other indebtedness incurred in the acquisition, construction and installation of the System."

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THE EVERGREEN STATE COLLEGE

EAC 174-162 STUDENT AFFAIRS

Services and Activities Fee Review Board

EAC 174-162-200 Composition of the Board

A Board composed of six students, one faculty member and one staff member shall allocate Services and Activities Fee income, subject to approval of those allocations by the Board of Trustees. Unless otherwise identified in these guidelines (EAC 174-162-200 through 280), the term "Board" shall mean the Services and Activities Fee Review Board. Board members serve terms of no more than one year, beginning each Fall quarter.

The Director of Recreation and Campus Activities, the Administrative Vice President, and the Auxiliary Enterprises Accountant (or their designees) will sit with the Board in an advisory capacity.

EAC 174-162-210 Executive Secretary

The Executive Secretary shall serve as the Board's staff. The Executive Secretary shall have responsibility for providing, collecting and organizing the information and services the Board requires for its efficient and smooth functioning.

The Executive Secretary shall organize and moderate all meetings, prepare agendas, record minutes, disseminate information concerning actions, correspond with groups applying for S and A funds, supervise selection of Board members, assist in preparing College Activity Fund budgets, prepare Board operating budgets, and assist with and schedule the Board orientation workshops.

The Board and the Director of Recreation and Campus Activities and/or his or her designee will interview and select the Executive Secretary each Spring quarter prior to the Board's annual allocation process. The Executive Secretary shall be accountable to the Board and the Director. The Director of Recreation and Campus Activities shall elicit applicants for the Executive Secretary position from the student population. The Executive Secretary's term of employment, which may be in the form of an internship, shall begin in June and end in May.

The Board shall invite the newly selected Executive Secretary to observe the Spring quarter's annual allocation process, and may elect to pay him/her during that observation.

The Board shall determine the salary payable to the Executive Secretary.

EAC 174-162-210 (Continued)

No person may serve as Executive Secretary for more than one term of employment (a person who serves less than half of a term vacated by his/her predecessor, shall not be considered as serving a term for the purposes of this limitation).

EAC 174-162-230 Board Selection

The Executive Secretary shall supervise the selection of new Board members and alternates, beginning with the Executive Secretary publicizing the role of and processes for selecting Board members and encouraging interested students to register on the Voluntary Service List during Fall quarter registration week.

The Executive Secretary shall select six student Board members and three student Board alternates from the Voluntary Service List following interviews he or she conducts to elicit information about the candidate's desire to serve, the amount of time the candidate can devote to Board matters, and whether the candidate anticipates serving a full term. The interview will also inquire into the student's other activities since extensive involvement in other activities may result in scheduling conflicts.

To select the faculty and staff Board members, the Executive Secretary shall draw a random list of full-time faculty and staff members; interview those on the list, employing the same criteria as for student interviews, and select one of each.

The interview will also be employed to insure that candidates will, if selected to the Board, voluntarily abstain from participating in decisions on proposals from groups or activities in which they are involved.

The selection of Board members must conform with Evergreen's Affirmative Action policy.

If a Board member fails to attend two or more consecutive scheduled Board meetings without good reason (as determined by the Executive Secretary in consultation with the Board), his/her position shall be declared vacant. The Executive Secretary shall fill vacancies from the list of alternates, or, if no alternates exist, by the same process as for original selection. To facilitate this process, the Executive Secretary shall invite alternates to all orientation sessions.

EAC 174-162-180 Duties of the Board

The Board shall assist in preparing, review and approve an annual budget for approval by Evergreen's Board of Trustees. That budget shall be consistent with Evergreen's prescribed budgeting procedures, and shall itemize the use of all projected S and A fee income and any revenue derived from the use of those fees for the ensuing fiscal year. The budget shall provide for the Board's making suballocations from discretionary funds as it deems necessary to support student activities and programs.

EAC 174-162-240 (Continued)

The Board will attend an orientation workshop held during the first week of its term, meet weekly during the first month of its term, and thereafter on at least a twice-monthly basis. The Board, or the Executive Secretary, may call special sessions, which shall be considered scheduled if all Board members have been notified in writing at least three days prior to the meeting and an announcement of the meeting has been registered with the Information Center a like amount of time in advance. A quorum -- necessary to the validity of any Board decision -- shall consist of four Board members.

The Board members shall only act upon budget proposals presented to them by others. They shall not offer their own proposals or administer funded programs or projects, except as necessary for the Board's operating budget. A Board member should temporarily dismiss himself or herself should a conflict of interest arise which would impair objective participation on the Board. If necessary, the Executive Secretary shall enforce a dismissal.

As a continuing responsibility, all Board members shall solicit popular opinion frequently and conscientiously.

EAC 174-162-250 Decision Process

The Board shall require that any organization or activity able to plan its program and financial requirements apply for funds during the annual allocations. Each Spring quarter the Board shall allocate funds for the ensuing academic year, after hearings to receive and discuss proposals for annual allocations. The Board may hold executive sessions for discussions.

Mid-year allocations recognize that some organizations or activities will not exist or will not be able to anticipate their financial needs in the Spring preceding an academic year; mid-year allocations also recognize that Board funds may increase or decrease because of unanticipated changes in enrollment or other factors.

The Board shall process and adopt or reject all proposals in open, publicized meetings. Members of the Board shall receive written proposals at least two days prior to the meeting at which the proposals are scheduled for consideration. Proposals will be considered by the Board in the order in which they were originally submitted to the Executive Secretary. Arguments and analysis will be presented at the scheduled meeting, and, if possible, a decision will be reached on a concensus basis. The Board shall take action on each proposal at that meeting: approved, denied, modified, tabled, or referred back to the sponsor to answer specific questions or to submit a more detailed request. No action may be taken on any proposal unless the sponsor or his/her designee attends.

EAC 174-162-250 (Continued)

Failure of a group or individuals to have adequately evaluated funds previously allocated to them by the S and A Board shall be noted by the Board when considering any new or further proposals by the same group or individuals.

Any decision of the Board may be appealed, either directly to the Board, or through the procedures outlined in the COG document.

EAC 174-162-260 Director of Recreation and Campus Activities

The Director of Recreation and Campus Activities or his/her designee shall encourage the submission of funding requests which will satisfy a wide variety of interests; assess thoroughly the implications of funding requests; facilitate Board decisions; assist in the initiation, preparation, implementation and evaluation of S & A budgets; provide programmatic and fiscal advice to all S & A organizations; assist the Board in preparing and reviewing the College Activities Fund budget; sit on the Board in an advisory position, and participate in the selection of the Executive Secretary.

The Director of Recreation and Campus Activities shall, after consultation with the Board, invalidate or suspend ("freeze") any Board allocation which, in his/her view, is not legal, violates these Guidelines, or may be harmful to the Evergreen community. When the Director exercises this prerogative, he/she shall adhere to the principles of the COG document, including its requirements of accountability and locatability, and shall present a written explanation for his/her action to the Board at its next meeting. The Board may appeal the Director's action to invalidate or suspend.

EAC 174-162-270 Proposals to the Board

Organizations and activities proposing to secure funds from the Board shall complete the uniform application form (Exhibit I) and the budget summary forms (Exhibit II). These forms and assistance in their completion can be obtained from the Executive Secretary and/or the Director of Recreation and Campus Activities or his/her designee. When completing these forms, all applicants are expected to follow College policy as outlined in the Evergreen Administrative Code. The Executive Secretary shall review proposals and return those which fail to comply.

EAC 174-162-280 Guidelines for the Dissemination of Information

(1) The Executive Secretary shall post a copy of every proposal presented to the Board on the Board bulletin board located outside CAB 305, and shall submit a copy to the Information Center.

EAC 174-162-280 (Continued)

(2) The Executive Secretary shall post a copy of the detailed minutes of each Board meeting on the Board bulletin board, and submit a copy to the Information Center.

(3) The Executive Secretary shall post a schedule of meetings and their locations, for the term of the current Board, on the Board bulletin board, and disseminate copies via all available campus media, by the second week of each Board's term.

(4) The Executive Secretary shall post the agenda for each meeting in the Information Center at least three days prior to each meeting.

(5) The Executive Secretary shall use all campus media to inform the community concerning Board activities.

(6) The Executive Secretary will prepare an informational letter or brochure for distribution in the general Orientation mailing each academic year. The brochure shall describe the nature and process of allocation of S and A Fees, and shall detail the responsibilities and duties of Board members.

(7) Prior to May 15 of each year, the Executive Secretary shall circulate and tabulate and announce the results of a questionnaire to all members of the Evergreen community, for the purpose of identifying priority preferences regarding proposed organization and activity funding, including those proposed for the Summer quarter.

APPENDIX H

ACTIONS OF THE SERVICES AND ACTIVITIES FEE REVIEW COMMITTEES, AS APPROVED BY THE INSTITUTIONAL GOVERNING BOARDS, 1976-77

UNIVERSITY OF WASHINGTON

Annual per student fee earmarked by the governing board specifically for ASUW and GPSS activities	$ 7.50
Annual per student fee available for distribution by the Services and Activities Fee Review Committee	$ 41.50

Programs funded by S & A Fee Committee for 1976-77	Annual Budget
Sports Recreation Programs	$ 488,244
Student Unions	452,326
Health Center	267,304
Child Care	187,594
Student Activities Administration	129,395
Ethnic Cultural Center	64,322
Graduate Student Senate	15,000
S & A Fee Committee Operations	400
	$ 1,604,585

WASHINGTON STATE UNIVERSITY

Annual per student fee available for distribution by the Services and Activities Fee Review Committee	$ 50.00

Distribution of Services and Activities Fee Recommended by Review Committee for 1976-77	Annual Distribution Per Student
Intercollegiate Athletics	$ 22.00
ASWSU/GPSA	6.00
Student Union	13.00
Student Newspaper	3.50
Alumni*	2.00
Associated Women Students	.50
Short Term Loan Fund	3.00
	$ 50.00

*Earmarked for student scholarships

CENTRAL WASHINGTON STATE COLLEGE

Annual per student fee available for distribution by the Services and Activities Fee Review Committee	$ 49.50

Programs funded by Services and Activities Fee Committee for 1976-77	Annual Budget
Intercollegiate Athletics	$102,000
Intramurals	20,000
Cheerleaders	2,000
Recreation	26,000
Student Board of Control	34,500
New Student Week	1,500
Student Newspaper	20,000
Radio Station	6,000
Social Activities	34,166
Student Union	174,000
Accounting	2,725
	$ 422,891 *

*$360,000 is funded from S & A fee revenue, the remainder is supported from fund balances or local revenue in excess of expenditures.

EASTERN WASHINGTON STATE COLLEGE

Annual per student fee available for distribution by the Student Legislature $ 37.98

Programs funded by Student Legislature for 1976-77	Annual Budget
Fixed overhead	$ 30,051
ASB Government	10,500
Student legislature	4,700
Band	5,400
Elections	3,085
Pence Union Building	92,697*
Library typewriters	1,000
Student newspaper	18,470
Student library center	678
Bus subsidy	31,120
International students	700
Hawaiian Luau	1,250
Campus Recreation	12,311
Vet's Co-op	970
Social Activities Review Board	20,650
Concert	8,800
Contemporary Issues	14,600
Listing of activities on campus	5,070
Outdoor Program	825
Judicial	750
Native American Indian	3,600
Subsidized Telephone service to Spokane	1,000
Institutional Media Center	273
Soccer Club	500
Women's Commission	1,500
	$ 274,151

*Toll free telephone to Spokane

(continued)

EASTERN WASHINGTON STATE COLLEGE

Annual per student fee available for distribution by the Departmentally Related Review Committee	$ 25.32

Departmentally Related Funding for 1976-77	Annual Budget
Athletics	$ 107,638.00
Art	1,545.00
Athletics (Men's)	55,662.00
Athletics (Women's)	19,866.00
Cheerleaders	900.00
Drama	16,000.00
Forensics	3,277.00
Model United Nations	1,759.00
Band	6,000.00
Choral Activities	5,000.00
Orchestra	5,000.00
Music Theatre	2,225.00
Rifle Team	5,000.00
Stage Operations for Performing Arts	6,500.00
National travel	3,000.00
	$ 163,844.00

WESTERN WASHINGTON STATE COLLEGE

Annual per student fee available for distribution by the student legislature $ 35.48

Programs funded by the Student Legislature for 1976-77	Annual Budget
ASB Government	$ 39,558
Services Council	
Services Council Administration	595
Co-op Day Care	11,955
Drug Information	1,203
Student services for minority community	2,662
Student services for bilingual community	680
Huxley Environmental Research Bureau	2,009
League of Collegiate Veterans	800
Legal Aids	2,715
Sex Information	1,193
Publications for new students	2,615
Payroll tax	4,045
Recreation Council	
Recreation Council Administration	3,000
Outdoor Program	2,360
Equipment Program	2,696
Rugby Club	2,607
Soccer	1,564
Lacrosse Club	939
Sailing Club	575
Viking Sounders	288
Fencing Club	200
Water Ski Club	190
Games Association	412
Chess Club	100
Wilderness Preservation Student Union	650
Payroll Tax	188
Facilities Council	
Student Union	91,705
Property on Lake Whatcom	4,500
A.S. Print Shop	3,000
Payroll Tax	12,710

(continued)

Western Washington State College:
continued

Activities Council	
Activities Council and Program Commission Administration	15,263
Special Interest Programs	6,000
Radio station	8,495
Special events	7,935
Social issues	8.150
Mama Sundays	4,985
Dance	1,000
Art Gallery	2,600
Student Groups	4,386
Fairhaven Workshops	1,655
Payroll tax	2,181
Total	$ 260,363

Annual per student fee available for distribution by the Departmentally Related Review Committee $29.02

Departmentally Related Funding for 1976-77	Annual Budget
Men's Athletics	75,000
Women's Athletics	30,400
Forensics	12,000
Intramurals	7,100
Music	24,000
Publications	39,300
Theatre/Dance	22,200
	$ 210,000

THE EVERGREEN STATE COLLEGE

Annual per student fee available for distribution by the Services and Activities Fee Review Committee	$ 157.50

Programs funded by the S & A Fee Committee for 1976-77	Annual Budget
Student Short Term Loan	$ 7,445
Transcripts and Portfolios	7,445
Operations Activities Building Recreation Center	198,132
Student Services Bicycle Repair Shop Bus System Day Care Arts, crafts shop Leisure Education Workshops Legal Assistance Women's clinic	48,611
Recreation Equipment issue Folkdance Men's basketball Men's soccer Mountain Club Recreational Sports Women's basketball Women's soccer Women's softball Geoduck Yacht Club River Rats	50,532
Student Groups*	21,533
Student Newspaper	30,040
Student radio	28,037
Cultural Events Center for Poetry Chamber Singers, Jazz Ensemble Friday night films Musical Theatre/Dance	13,655
	$ 405,426

*Nine student groups were funded in 1976-77.

APPENDIX I

RESPONSE FROM STUDENT GOVERNMENT

THE STATE COLLEGE COUNCIL
(UNITED FOR EDUCATION)

November 12, 1976

The State College Council
c/o Roland Lewis, Chairperson
WSU
Pullman, WA

Item: Joint Student Fees

Dear Roland:

Process - A joint student fee (JSF) committee is given a base figure in which to allocate funds from. Each area which receives funds then submits a budget to the JSF committee and then the JSF committee decides if the budget request is reasonable and if it should be recommeded that the group receive the amount requested.

All recommendations are then given to the vice president for review and or change. He then gives his recommendations to the president for review - the president will make his changes and then give his proposal to the board of trustees for their usual rubber stamp approval.

Problems - The joint student fee committee is made up of four students and three faculty members. The faculty members are from departments which used to receive money from the joint student fees committe. They no lon er receive those funds and do not avail themselves to the exploration of the areas which do receive the funds. In essense their recommendation are done arbitrarily.

In addition students are never asked or polled to see if they feel some area should be excluded from the fee structure. So all areas that receive money this year will probably receive funds next year.

Finally - the original budget recommendation is usually altered quite drastcally at each step and the areas receiving money usually have no idea where they stand until the president releases his budget recommendations. In essence what ever he decides becomes policy. This is to imply that the president ha the power to act on his own convictions without regard to the recommendations of the other people.

It is with these problems in mind that the ASC would like to see a program adopted where students would have a more prominent voice in how their funds are spent. One way to see that is done would be to set up a system

where each area receiving funds would receive a copy of the changes in the JSF budget recommendation as it moved up the ladder to the Board of Trustees. It might also be suggested that the president should meet with representatives from all areas concerned before making his final proposal to the Board of Trustees. This might help offset the ambivalence of our present system which quite frankly consists of to many administrators and faculty members deciding where the "students" money should be spent.

Respectfully submitted,

Stu McMullen
BOC - Chairperson
ASC

Miles Allen
Legislative agent

cc-CPE Senate on Higher Education

ASSOCIATED STUDENTS

WASHINGTON STATE UNIVERSITY / THIRD FLOOR, CUB / PULLMAN, WASHINGTON 99163 / AC 509-335-9666

December 7, 1976

Carl C. Donovan
Deputy Coordinator
Council for Postsecondary Education
908 East Fifth Street
Olympia, Washington 98504

Dear Mr. Donovan:

Your concern about the students role in services and activities fee allocation is not unjustified. We too are concerned. The process at Washington State University involves students. However, as long as the role is limited to an advisory/recommending capacity it will be viewed as "active tokenism". The A.S.W.S.U. offices are elected by and responsible to the Students. Our goals must be to represent students and provide the projects they desire. If we do not provide those projects they can and should remove us from office. We can only fulfill this responsibility when the Student representatives can control the monies students contribute specifically for their projects.

Your assistance in providing Student control of S & A fee allocation would be appreciated by the Students of Washington State University.

Thanks Much For Asking,

Roland R. Lewis, President
Associated Students Washington
State University

EASTERN WASHINGTON
EWSC
1890
STATE COLLEGE

ASSOCIATED STUDENTS
CHENEY, WASHINGTON 99004

December 3, 1976

Mr. Carl Donovan, Deputy Coordinator
Council for Postsecondary Education
908 East 5th Street
Olympia, WA 98504

Dear Mr. Donovan:

We have reviewed the progress report on institutional procedures for budgeting Services and Activities Fees. The report appears to be technically correct, but I believe it misses the heart of the problem.

The real problem with Services and Activities Fees budgeting procedures lies in the fact that students have no real authority. Ultimate authority is left to the Board of Trustees. The seriousness of this problem was demonstrated at our November 18 Board of Trustees meeting. The Student Legislature and its Finance Committee had spent many hours reviewing budget requests from three campus organizations. The Board of Trustees Finance Committee met on campus with student leaders and representatives of the groups involved. The meeting lasted approximately forty-five minutes. After that meeting the Finance Committee in closed door deliberations decided to change all three of the Student Legislature's recommendations. The revised recommendations were adopted by the full Board on November 18.

As it now exists, student government input on budgets is close to meaningless. Student government is not actually recognized as a representative for all students. The recommendation of any individual on campus carries as much weight as the recommendation of student government. Although formal recognition is given to the Associated Students by the Board of Trustees, it is more in name than in substance.

If this problem is to be corrected a change needs to be made in the law governing Services and Activities Fees. It wouldn't really matter if Student Government made all of the recommendations on Services and Activities Fees Budgets. These recommendations would be adopted only if they were in agreement with the wishes of the Board of Trustees. We would like to see a bill passed which would require student government approval of all Services and Activities Fees expenditures. The Board of Trustees would then hold a sort of veto power. This would allow students to decide how student fees should be spent. Such a bill was introduced in the House of Representatives several years ago by Representative Maxie.

It is my sincere belief that a basic change in the law is the only way to solve the Services and Activities Fees problem. Let me know if I can be of further assistance.

Sincerely yours,

Jerry Howe, President
Associated Students
Eastern Washington State College

JH/tt

cc: Daryl Hagie
Zack Lueck